

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS. SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT

Day 8 - Trial with Jury
Before the Honorable Beverly Cannone

Paula M. Mills
Retired Certified Court Reporter
and Court Transcriptionist

I N D E X

WITNESS:	DIRECT	CROSS	REDIRECT	RECROSS
Steven Saraf, Resuming				
(By Mr. Lally)			8-50	
(By Mr. Jackson)		8-10		
Stephen Mullaney				
(By Mr. Lally)	8-53		8-90	
(By Mr. Yannetti)		8-75		8-92
Timothy Nuttall				
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Anthony Flematti				
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P R O C E E D I N G SApril 30, 2024

(Court reporter, A.D.A. McLaughlin and Attorney Little in without the Court at 8:35 a.m. to premark exhibits on the record.)

THE COURT REPORTER: This is Court Reporter Nancy King in the case of Commonwealth versus Karen Read at Norfolk Superior Court, April 30, 2024. I am in the courtroom with A.D.A. Laura McLaughlin and Attorney Elizabeth Little, premarking exhibits.

Exhibit 26 will be --

MS. MC LAUGHLIN: Will be the Saraf and Goode dash cams.

THE COURT REPORTER: And agreement of counsel?

MS. LITTLE: No objection.

MS. MC LAUGHLIN: So that's 26?

THE COURT REPORTER: The next exhibit agreed upon?

MS. LITTLE: No objection.

THE COURT REPORTER: No objection to this photograph --

MS. LITTLE: Actually, instead of doing it out of order, can we do the two defense ones together so it's less confusing.

1 THE COURT REPORTER: For the record, this is?

2 MS. MC LAUGHLIN: That's the Canton Police
3 Department log from January 29th.

4 THE COURT REPORTER: And no objection by both
5 counsel?

6 MS. MC LAUGHLIN: No.

7 MS. LITTLE: No.

8 THE COURT REPORTER: Exhibit 27.

9 MS. MC LAUGHLIN: I'd like to introduce this
10 as 28.

11 MS. LITTLE: No objection.

12 THE COURT REPORTER: A.D.A. introduces Exhibit
13 No. 28, a photograph. There is no objection.

14 Exhibit 29?

15 MS. MC LAUGHLIN: I'd like to introduce this
16 as 29.

17 THE COURT REPORTER: The photograph is
18 introduced by A.D.A. McLaughlin. No objection by
19 Attorney Little?

20 MS. LITTLE: No objection.

21 MS. MC LAUGHLIN: Another photograph as
22 Exhibit 30.

23 THE COURT REPORTER: Introduced by A.D.A.
24 McLaughlin. No objection by Attorney Little?

25 MS. LITTLE: No objection. So are we doing

1 these in like random order?

2 THE COURT REPORTER: No. So 28 and 29 are
3 photos.

4 MS. MC LAUGHLIN: Yes.

5 MS. LITTLE: Yes.

6 MS. MC LAUGHLIN: Thirty is also a photo. The
7 rest of the morning will be photos.

8 THE COURT REPORTER: The following photos will
9 be introduced by the district attorney's office.

10 MS. LITTLE: Yes. And we have no objection to
11 any of the photos.

12 THE COURT REPORTER: No objection to the
13 following photos: Exhibit 31, Exhibit 32, Exhibit
14 33, Exhibit 34, Exhibit 35, Exhibit 36, Exhibit 37,
15 Exhibit 38, Exhibit 39.

16 MS. MC LAUGHLIN: Could you put a sticker --

17 THE COURT REPORTER: Where would you like it?

18 MS. MC LAUGHLIN: Here. Thank you.

19 THE COURT REPORTER: That was A.D.A.
20 McLaughlin speaking.

21 Exhibit 40, Exhibit 41, Exhibit 42, Exhibit
22 43, Exhibit 44, Exhibit 45, Exhibit 46, Exhibit 47,
23 Exhibit 48, Exhibit 49, Exhibit 50, Exhibit 51,
24 Exhibit 52, Exhibit 53.

25 MS. LITTLE: Is this the grand jury?

1 THE COURT REPORTER: Okay. Sticker over the
2 grand jury. Exhibit 54. Exhibit 55.

3 MS. MC LAUGHLIN: Exhibit 56. We move to
4 introduce the certified registry of motor vehicle
5 records for the defendant's vehicle.

6 THE COURT REPORTER: RMV of defendant.

7 MS. LITTLE: No objection.

8 THE COURT REPORTER: No objection by Attorney
9 Little.

10 MS. MC LAUGHLIN: This is 57, moving to
11 introduce photographs.

12 THE COURT REPORTER: No. 57 is a photograph.

13 MS. LITTLE: No objection. We don't have any
14 objection to those photographs.

15 THE COURT REPORTER: The following exhibits
16 will all be photographs: Exhibit 60, Exhibit 61,
17 Exhibit 62, Exhibit 63, Exhibit 64 -- like this?

18 MS. MC LAUGHLIN: Yes. I just want it
19 vertical. That's fine.

20 THE COURT REPORTER: This will be 64, 65, 66,
21 67, 68.

22 Just so the public is aware, we are on the
23 record.

24 No. 69; 70; 71; 72; Exhibit 73; Exhibit 74;
25 Exhibit 75; Exhibit 76; 77; 78; 79; 80; Exhibit 81,

1 Exhibit 82, for the record; Exhibit 83, for the
2 record; Exhibit 84, for the record; Exhibit 85;
3 Exhibit 86; Exhibit 87; Exhibit 88; Exhibit 89;
4 Exhibit 90, 9-0; Exhibit 91; Exhibit 92; Exhibit
5 93; Exhibit 94; Exhibit 95; Exhibit 96; Exhibit 97;
6 Exhibit 98; Exhibit 99; Exhibit 100; Exhibit 101;
7 Exhibit 102; Exhibit 103; Exhibit 104; Exhibit 105;
8 Exhibit 106; Exhibit 107; Exhibit 108; Exhibit 109;
9 Exhibit 110; Exhibit 111; Exhibit 112; Exhibit 113;
10 Exhibit 114; Exhibit 115; Exhibit 116; Exhibit 117;
11 Exhibit 118; Exhibit 119; Exhibit 120; Exhibit 121;
12 Exhibit 122; Exhibit 123; Exhibit 124; Exhibit 125;
13 Exhibit 126; Exhibit 127; Exhibit 128; Exhibit 129;
14 Exhibit 130; Exhibit 131; Exhibit 132; Exhibit 133;
15 Exhibit 134; Exhibit 135; Exhibit 136; Exhibit 137;
16 Exhibit 138; Exhibit 139; Exhibit 140; Exhibit 141;
17 Exhibit 142; Exhibit 143; Exhibit 144; Exhibit 145;
18 Exhibit 146; 147; 148; Exhibit 149; Exhibit 150;
19 Exhibit 151; Exhibit 152; Exhibit 153, Exhibit 154;
20 Exhibit 155; Exhibit 156; Exhibit 157; Exhibit 158;
21 Exhibit 159.

22 MS. MC LAUGHLIN: Great. Thank you.

23 THE COURT REPORTER: So Exhibits 26 through
24 159 agreed upon by both defense and prosecution?

25 MS. LITTLE: Yes.

1 MS. MC LAUGHLIN: Yes.

2 THE COURT REPORTER: Thank you.

3 (Whereupon, the following above-mentioned exhibits
4 were premarked by the court reporter, agreed to,
5 and in the presence of A.D.A. McLaughlin and
6 Attorney Little as follows:)

7 (Whereupon, thumb drive with Officer Saraf's dash
8 cam footage was entered and marked Exhibit No. 26
9 in Evidence.)

10 (Whereupon, Canton Police dispatch log was entered
11 and marked Exhibit No. 27 in Evidence.)

12 (Whereupon, photographs were entered and marked
13 Exhibits No. 28 through and including 55 in
14 Evidence.)

15 (Whereupon, Registry of motor vehicles records re:
16 Karen Read was entered and marked Exhibit No. 56 in
17 Evidence.)

18 (Whereupon, photographs were entered and marked
19 Exhibits No. 57 through and including 159 in
20 Evidence.)

21 (Court in session at 9:25 a.m.)

22 (Defendant present. Jury present.)

23 THE CLERK: Commonwealth versus Karen Read,
24 22-117.

25 THE COURT: Good morning, again, counsel,

1 Ms. Read. Good morning, jurors. I appreciate
2 everybody's commute today. I'm thinking
3 everyone's, I'm sure, was a lot longer than we all
4 anticipated, but we thank you for being here
5 promptly.

6 I do have to ask you those same three
7 questions: Was everyone able to follow the
8 instruction and refrain from discussing this case
9 with anyone yesterday?

10 Everyone said "yes" or nodded affirmatively.

11 Were you also able to follow the instruction
12 and refrain from doing any independent research or
13 investigation into this case since we left
14 yesterday?

15 Everyone said "yes" or nodded affirmatively.

16 Did anyone happen to see, hear or read
17 anything about this case since we were last here?

18 Everyone said "no" or shook their head.

19 All right. Thank you very much. Would you
20 call Officer Saraf, please?

21 Whereupon,

22 STEVEN SARAF, Resuming

23 having been previously sworn, was examined and
24 testified under oath as follows:

25 THE WITNESS: Good morning, Your Honor.

1 THE CLERK: Sir, you are still under oath.

2 THE WITNESS: Yes, sir.

3 THE COURT: All right, Mr. Jackson.

4 MR. JACKSON: Thank you, Your Honor.

5 CROSS-EXAMINATION

6 BY MR. JACKSON:

7 Q Good morning, Officer Saraf.

8 A Good morning.

9 Q Is there anything you would like to change or
10 modify about your testimony yesterday?

11 A No.

12 Q Did you discuss your testimony with any person
13 between the time you got off the stand yesterday and
14 coming back in the courtroom this morning?

15 A No.

16 Q Officer Saraf, I want to ask you a question
17 about, or a couple of questions about, something called
18 a dispatch log. You know what a dispatch log is?

19 A Yes.

20 Q What is a dispatch log? Can you describe it
21 for the jurors?

22 A Just notes saying what time calls come in.
23 Sometimes it's a short synopsis of what happened on the
24 call.

25 Q It's an official document generated by the

1 Canton Police Department, correct?

2 A That's correct.

3 Q And it's kept in the ordinary course of
4 business?

5 A Yes.

6 Q It's created at or near the time of the event
7 that it's recording?

8 A Yes.

9 Q And it's supposed to be accurate?

10 A Yes.

11 Q Is that yes?

12 A Yes.

13 Q Okay. And, in fact, what it has is the
14 dispatch details of the event that's in question,
15 whatever officers show up, what time they show up, the
16 order in which they show up, the location to which they
17 are dispatched, things of that nature, correct?

18 A Yes.

19 Q Have you looked at the dispatch log in this
20 case?

21 A No, I have not.

22 MR. JACKSON: May I approach, Your Honor?

23 THE COURT: Yes.

24 BY MR. JACKSON:

25 Q This is what has been marked as Exhibit 27.

1 Take a glance at that and tell me if you recognize that
2 document.

3 A Yes, sir.

4 Q How do you recognize it?

5 A It looks like the log in question.

6 Q So that's the dispatch for when?

7 A The 29th.

8 Q Do you see your name somewhere on that
9 dispatch log?

10 A Yes.

11 Q To the right is one of the three officers that
12 was called to the scene?

13 A Yes.

14 Q And that looks like the dispatch log for the
15 callout that you were testifying about yesterday; is
16 that right?

17 A That's correct.

18 MR. JACKSON: May I approach, Your Honor?

19 THE COURT: You may.

20 MR. JACKSON: Your Honor, may I publish this
21 as we --

22 THE COURT: Yes.

23 MR. JACKSON: -- discuss it? That is really
24 small font. May I approach one more time?

25 THE COURT: Yes.

1 BY MR. JACKSON:

2 Q This is not an icon test or eye exam, I should
3 say. Oh, look at that. The magic of technology. All
4 right.

5 You can either look up on the screen or look
6 at the dispatch log that's in front of you. I'll try
7 to look at the one on the screen, but my eyes aren't
8 that great, either.

9 If you look to the right, there appear to be
10 three entries for the dispatch of the officers that
11 were on the scene about which you testified yesterday,
12 correct?

13 A Yes, sir.

14 Q And, in fact, this dispatch log shows that you
15 and then Officer Mullaney and then Sergeant Goode all
16 arrived to 32 Fairview that morning within seven
17 seconds of each other, correct?

18 A That's what it says, yes.

19 Q It actually has Officer Mullaney arriving
20 first at 6:09:26. Do you see that?

21 A Yes.

22 Q And you see it also has three seconds later at
23 6:09:29 you arriving; is that right?

24 A 6:29, it says. Excuse me. 6:09. Yes.

25 Q 6:09 and 29 seconds?

1 A Yes. I'm sorry.

2 Q That's okay. And then it has Sergeant Goode
3 arriving four seconds after you at 6:09 and 33 seconds,
4 correct?

5 A Yes.

6 Q So all three of you, according to the official
7 document generated by Canton Police Department for this
8 event, has Officer Mullaney arriving first, you
9 arriving second and Sergeant Goode arriving third, all
10 within seven seconds of each other, correct?

11 A That's correct.

12 Q That is completely false; isn't it?

13 A Yes.

14 Q You looked at your dispatch -- I'm sorry, your
15 dash cam, correct? And, clearly -- we saw it yesterday
16 -- you arrive and there is nobody else on the scene?

17 A Correct.

18 Q That was about, in fact, 6:10 a.m. that you
19 arrived, correct?

20 A About that, yes.

21 Q And then Officer Mullaney actually arrives
22 after you about 6:11 a.m.; is that right?

23 A Yes.

24 Q And Sergeant Goode does not arrive, according
25 to your own dash cam, until about 6:16, a little after

1 quarter after six?

2 A Yes.

3 Q All right. So right off the bat, the official
4 Canton Police Department dispatch log, one of the first
5 documents generated in any of the investigative event,
6 that's completely wrong, right?

7 A The times are, yes.

8 Q Well, the times and the order, right?

9 A Yes.

10 Q I mean, not only did Officer Mullaney not
11 arrive first, you arrived first?

12 A That's correct.

13 Q And then he arrived?

14 A Sure.

15 Q So that's two things that are wrong about just
16 that, correct?

17 A Sure.

18 Q And then it has Sergeant Goode arriving four
19 seconds after you, which is also incorrect?

20 A Yes.

21 Q He didn't arrive until about six or seven
22 minutes after you, right?

23 A Sure.

24 Q All right. Have you reviewed this document in
25 the past?

1 A This?

2 Q Yes.

3 A No.

4 Q You've never seen the dispatch log?

5 A No.

6 Q Did you ever seek to make sure that the
7 dispatch log, which is so important and so vital in an
8 investigation, was actually accurate before it was
9 turned over to the defense, for instance?

10 A No, I didn't.

11 Q All right. But, without that dispatch log --
12 sorry. Without your dash cam, we would be relying on
13 your dispatch log to be true and accurate; is that
14 right?

15 A Other than what I'm saying that happened,
16 correct.

17 Q And do you think it's accurate otherwise?

18 A This?

19 Q Yes.

20 A Not in order, no. It's not. Not in order,
21 no, and time.

22 Q Other than the order and the times of the
23 officers responding, is it correct in all other
24 respects in your mind?

25 A Can you -- say it one more time?

1 Q Sure. Let's take away the order and the time
2 that the officers responded. Ignore that.

3 A Uh-huh.

4 Q Is the dispatch log otherwise accurate?

5 A Yes.

6 Q Okay. Take a look at the left-hand column
7 where it's highlighted in green. What is that address?

8 A Highlighted with green?

9 THE COURT: On the screen.

10 BY MR. JACKSON:

11 Q I'm sorry.

12 A It says 32 Fairview.

13 Q Did you arrive to 32 Fairview Road?

14 A No.

15 Q You arrived to 34 Fairview Road, correct?

16 A Yes.

17 Q So even the location on the dispatch log is
18 faulty; is that right?

19 A Yes.

20 MR. JACKSON: May I approach, Your Honor?

21 THE COURT: Yes.

22 BY MR. JACKSON:

23 Q You testified at a grand jury in April of
24 2022, correct?

25 A I did.

1 Q At that grand jury, do you remember telling
2 the grand jurors what address you actually responded
3 to?

4 A I don't recall. I don't remember what I said.

5 Q Would it refresh your recollection if you took
6 a quick glance at a copy of your grand jury testimony?

7 A Sure.

8 MR. JACKSON: May I approach, Your Honor?

9 THE COURT: Yes.

10 BY MR. JACKSON:

11 Q Officer Saraf, I've done you the favor of
12 highlighting a page, on page 9. Where did you indicate
13 to the grand jury that you actually arrived?

14 A It says 35 Fairview.

15 Q I know what it says. I'm asking you if it
16 refreshes your recollection that you actually testified
17 under oath that you responded to 35 Fairview Ave.?

18 A Yes.

19 Q And that is incorrect, as well; isn't it?

20 A Yes.

21 MR. JACKSON: May I approach, Your Honor?

22 THE COURT: Yes.

23 BY MR. JACKSON:

24 Q Have you reviewed any of the other officers'
25 reports that relate to your dispatch out to the

1 location that you've been testifying to?

2 A No, I did not.

3 Q Did you ever review Sergeant Goode's report?

4 A No.

5 Q Are you aware that Sergeant -- have you ever
6 discussed with Sergeant Goode that he wrote in his
7 official report that he responded to 32 Fairview Road?

8 A No.

9 Q And, of course, we just talked about the fact
10 that the dispatch log lists 32 Fairview Road and not 34
11 Fairview Road, correct?

12 A Correct.

13 Q So none of the initial police reports, not the
14 dispatch log, not your police report, apparently not
15 Sergeant Goode's, lists 34 Fairview Road as the actual
16 location where you responded that morning, correct?

17 A As far as I know, yes. Yes, sir.

18 Q Was there an effort on your part or anybody
19 else's to your knowledge to mask the actual address of
20 Brian Albert's house as 34 Fairview Road?

21 A No. No.

22 Q All those are just mistakes?

23 A Yes.

24 Q Over and over and over?

25 A Yes.

1 Q When you made contact with the victim and the
2 women that you described yesterday, did you see any
3 evidence that any of the women had been engaged in
4 lifesaving measures?

5 A Yes.

6 Q What did you see?

7 A It appeared that Karen Read was doing mouth-
8 to-mouth on John O'Keefe.

9 Q You saw -- I don't want to get too graphic.
10 But you saw blood on her face?

11 A Yes, I did.

12 Q You saw blood on his face?

13 A That's correct.

14 Q You saw blood in her hair?

15 A No. I didn't see any.

16 Q You didn't notice that?

17 A I didn't.

18 Q Okay. But certainly blood on her face from
19 having engaged in some sort of CPR activity?

20 A Yes.

21 Q Mouth-to-mouth resuscitation, you said?

22 A It looked like it, yes.

23 Q Okay. You also saw Kerry Roberts seemingly
24 assisting with chest compressions; is that correct?

25 MS. MC LAUGHLIN: Objection. No question.

1 THE COURT: No. He can answer the question as
2 asked. Finish your question.

3 MR. JACKSON: Thank you, Your Honor.

4 BY MR. JACKSON:

5 Q Did you also see Kerry Roberts seemingly
6 assisting in chest compressions?

7 A I don't remember exactly who was, but it
8 appeared that somebody was doing it.

9 Q What about the third woman, Jennifer McCabe?

10 A They were all around the body.

11 Q Did you see Jennifer McCabe ever engage with
12 John O'Keefe as he lay on the ground and assist in any
13 lifesaving measures? Did you witness that?

14 A I don't know. I don't recall.

15 Q But you do recall my client engaged?

16 A Yes.

17 Q Is it true that Jennifer McCabe pulled
18 aside while my client and Kerry Roberts stayed with
19 John O'Keefe and began engaging you in conversation?

20 A Yes.

21 Q And she was providing some sort of a narrative
22 to you, correct?

23 A Correct.

24 Q While the other two women are trying to save
25 John O'Keefe's life, she's talking to you?

1 A For brief seconds.

2 Q For brief seconds?

3 A Yes.

4 Q You saw the dash cam video. Those several
5 minutes on the dash cam video where she is standing and
6 having a conversation with you, are those the brief
7 seconds that you --

8 A I don't know what time frame you are talking
9 about.

10 Q I'm talking about right after you got there.

11 A Right after I got there.

12 Q Correct. Did you ever see Jennifer McCabe do
13 anything physically to help John O'Keefe?

14 A No. I didn't see anything.

15 Q Did Jennifer McCabe offer to you during the
16 brief seconds that you described this narrative that
17 she was having or this conversation that she was having
18 with you, did she ever offer the fact that she was
19 standing in front of her sister's house?

20 A No.

21 Q Did she ever offer the fact that her brother-
22 in-law who lives in the house is a first responder?

23 MR. LALLY: Objection.

24 THE COURT: Sustained.

25 BY MR. JACKSON:

1 Q Were you apprised at any time while you were
2 out there that the homeowner was a first responder?

3 MR. LALLY: Objection.

4 THE COURT: Sustained.

5 BY MR. JACKSON:

6 Q Based on your observations between Karen Read
7 and Jennifer McCabe, which one of those women appeared
8 to be more focused on trying to save John's life in the
9 moment?

10 MR. LALLY: Objection.

11 THE COURT: I'll allow it.

12 THE WITNESS: Can you repeat the question,
13 sir?

14 BY MR. JACKSON:

15 Q Between Karen Read and Jennifer McCabe, which
16 one of those two women, based on your observations,
17 appeared to you to be more focused on physically trying
18 to save John O'Keefe's life in the moment?

19 A At that point, it was Karen Read.

20 Q You would agree with me, Officer Saraf, that
21 in any investigation, details matter, accuracy matters,
22 correct?

23 A Sure.

24 Q Reports are written in police investigations
25 in order to memorialize observations, things heard,

1 seen, experienced by the officers, correct?

2 A Yes.

3 Q And, generally speaking, you're trained to
4 write those reports and memorialize those observations
5 as quickly as possible so that things are fresh in your
6 memory?

7 A Correct.

8 Q You don't want to write a report about an
9 incident that you respond to today two years from now?

10 A No.

11 Q As a matter of fact, you're trained to do
12 exactly the opposite. When you respond to a scene,
13 it's somewhat important to get it down on paper as
14 quickly as possible for details and accuracy, right?

15 A Yes.

16 Q You did, in fact, write a report, a
17 supplemental report, for this investigation where you
18 laid out your observations of that morning, correct?

19 A That's correct.

20 Q These are called incident reports, correct?

21 A Yes.

22 Q I'm holding what appears to be a multi-page
23 document that's entitled an incident report.

24 MR. JACKSON: May I approach?

25 THE COURT: Yes.

1 BY MR. JACKSON:

2 Q Take a look at the tabbed page and tell me if
3 you recognize what's on that page?

4 A I'm sorry?

5 Q Do you recognize that? All I'm asking is --

6 A Oh, yes.

7 Q -- do you recognize that as your report?

8 A Yes. Yes, sir. I'm sorry.

9 Q Did you write that?

10 A Yes, sir.

11 Q When did you write that?

12 A I believe the morning of.

13 Q So that would be January 29th?

14 A That's correct.

15 Q A little bit later in the morning after you
16 left the scene?

17 A Yes.

18 Q And you were reflecting back on what had just
19 happened minutes or hours before, correct?

20 A Yes.

21 Q And you were trying to be as truthful as
22 possible, correct?

23 A Yes.

24 Q You were trying to be as accurate as possible?

25 A Yes.

1 Q As comprehensive as possible?

2 A Yes.

3 Q And as thorough as possible?

4 A Yes.

5 Q You wrote in that report, quote, "Karen Read
6 kept screaming, 'Is he dead, is he dead.' She was
7 severely distraught and not able to tell me what
8 happened." Correct?

9 A That's correct.

10 MR. JACKSON: May I approach?

11 THE COURT: Yes.

12 BY MR. JACKSON:

13 Q There was no limit to the amount of words you
14 could put on the page, correct?

15 A No.

16 Q As a matter of fact, there is a ton of white
17 space left unutilized, right?

18 A That's correct.

19 Q You could have taken as much time as you
20 wanted to in writing this report; is that right?

21 A Sure.

22 Q Is that a yes?

23 A Yes.

24 Q There was no reason to abbreviate anything; is
25 that right?

1 A No.

2 Q And you tried to be as accurate as you
3 possibly could in that moment?

4 A Yes.

5 Q And put everything down in that report that
6 reflected what you experienced and what you observed
7 and what you heard that morning, correct?

8 A Yes.

9 Q And the only statement you attribute to my
10 client on that morning just hours after the incident or
11 minutes after the incident was she kept repeating, is
12 he dead; correct?

13 A Yes.

14 Q You were interviewed by Michael Proctor the
15 next day, weren't you?

16 A I don't know what day it was, but --

17 Q Would it refresh your recollection to take a
18 look at a report?

19 A Sure.

20 MR. JACKSON: May I approach, Your Honor?

21 THE COURT: Yes.

22 BY MR. JACKSON:

23 Q Take a look at that report that's dated March
24 15 but reflects an interview on January 30 and then
25 tell me if you recognize it.

1 A It looks like his police report.

2 Q Okay. That's Officer -- I'm sorry. That's
3 Trooper Proctor's report of an interview that he did
4 with you, correct?

5 A Yes.

6 Q And, if you look on the second page, there is
7 a paragraph about what you stated to Trooper Proctor?

8 A That's highlighted?

9 Q I highlighted it for you.

10 A Yes.

11 Q Okay. Did you tell Trooper Proctor -- let me
12 withdraw that and ask it a different way.

13 Were you trying to be as thorough and
14 comprehensive with Trooper Proctor as you were in your
15 own report?

16 A Yes.

17 Q You weren't holding anything back in that
18 interview, correct?

19 A No.

20 Q You wanted to be as truthful and as honest as
21 you possibly could?

22 A Yes.

23 Q And as comprehensive as you possibly could,
24 correct?

25 A Yes.

1 Q You told Trooper Proctor that you can, quote,
2 "hear Karen Read continually state, is he dead," as the
3 paramedics treated the victim. Officer Saraf had seen
4 Karen inside her friend's vehicle, correct?

5 A Correct.

6 Q So the only statement you attributed to my
7 client the day after this incident was those three
8 words "is he dead" that she continually repeated; is
9 that right?

10 A Yes.

11 Q Thank you.

12 MR. JACKSON: May I approach?

13 THE COURT: Yes.

14 BY MR. JACKSON:

15 Q In the two times that you were asked to
16 reflect back on exactly what happened that morning on
17 January 29th and January 30th, both times you
18 attributed only three words to my client having been
19 repeated continually in her distraught statement, is he
20 dead, right?

21 A Yes.

22 Q And she wasn't saying that calmly, I'm
23 assuming?

24 A No.

25 Q As a matter of fact, you used the word "she

1 was severely distraught; is that right?

2 A That's correct.

3 Q When you say "severely distraught," you saw
4 part of that on your dash cam. She was emotional?

5 A Yes.

6 Q Upset?

7 A Yes.

8 Q Focused on John?

9 A Yes.

10 Q Trying to save his life?

11 A Yes.

12 Q And asking -- what was the question that she
13 asked?

14 A Is he dead.

15 Q Over and over and over, correct?

16 A Correct.

17 Q Then you were asked to testify in April of
18 2022, April 14th of 2022, at a state-run grand jury by
19 the Commonwealth?

20 A Yes.

21 Q As a matter of fact, Mr. Lally was the fine
22 prosecutor who was asking you the questions, correct?

23 A Yes.

24 Q Between the time you wrote your report on
25 January 29th and you gave a statement officially on

1 January 30th, between that time and when you testified
2 in April of 2022, did you have any meetings with
3 anybody from the Massachusetts State Police?

4 A No.

5 Q Did you have any meetings with Mr. Lally?

6 A No.

7 Q Did Mr. Lally put you on the stand without
8 talking to you first?

9 A No. For this trial?

10 Q No. I'm just -- the dates in question are up
11 to April 14th, 2022, the grand jury.

12 A I don't recall.

13 Q You don't recall if you met with either
14 Mr. Lally or any of his contemporaries to discuss your
15 potential testimony?

16 A I don't recall meeting with him for that, no.
17 One time I met with him in his office a couple of weeks
18 ago with this.

19 Q In preparation for this testimony?

20 A Correct.

21 Q But your testimony now is that he didn't meet
22 with you or you did not connect with him to discuss
23 your testimony before the April grand jury?

24 A I don't recall.

25 Q When you did testify in that grand jury, you

1 changed your story, didn't you?

2 A No.

3 Q You believe you testified completely
4 consistently at that grand jury as you have in your
5 report?

6 A I testified to what I remember what happened,
7 sir.

8 Q I see. Was your memory better in April than
9 it was minutes or hours after the event?

10 A Was it better?

11 Q Was it better or worse?

12 A I don't know.

13 Q Do you think your memory gets better as time
14 goes on?

15 A Not usually, no.

16 Q No? Usually it's the opposite; isn't it?

17 A Yes.

18 Q Memories get foggy; they fade?

19 A Yes.

20 Q Which is why you write reports the day of the
21 incident if you can, correct?

22 A Yes.

23 Q Do you remember what you testified at the
24 grand jury in April of 2022?

25 A The whole thing?

1 Q No. I'm sorry. That was a bad question on my
2 part. Just as it relates to statements attributed to
3 my client.

4 A Yes.

5 Q What was your exact testimony in April of
6 2022?

7 A I'd have to look at my --

8 Q Would it refresh your recollection if you saw
9 a copy of your grand jury transcript?

10 A Sure.

11 MR. JACKSON: May I approach?

12 THE COURT: Yes.

13 BY MR. JACKSON:

14 Q Look at page 18. Let me know once you review
15 that and tell me if that refreshes your recollection.

16 A Yes, it does.

17 Q In fact, on April 14, 2022, months after this
18 event, for the first time, you said, quote, and these
19 are your words and tell me if I get them right (as
20 read), "See, sorry, she, you know, this is my fault. I
21 don't know. I don't know. She said, you know, I can't
22 believe this happened. I mean, she kept asking if he
23 was going to die, if he's dead. And, you know, I just
24 basically said, you know, we are doing the best that we
25 could," end quote.

1 A That's correct.

2 MR. JACKSON: May I approach?

3 THE COURT: Yes.

4 BY MR. JACKSON:

5 Q So in April of 2022, for the first time, you
6 attributed the phrase, "This is my fault. I can't
7 believe this happened," to my client, correct?

8 A That's correct.

9 Q But nowhere in your official report did you
10 say that?

11 A That's correct.

12 Q And nowhere in your interview with Trooper
13 Proctor the next day did you say that?

14 A That's correct.

15 Q Do you think that was a pretty important
16 omission on your part?

17 A It was an oversight.

18 Q An oversight?

19 A Yes.

20 Q That a woman whom you made contact with
21 standing over the body of a fallen police officer said
22 to you, this is my fault? You just missed that one?
23 Yes?

24 A Yes. I missed it. I didn't write it down.

25 Q And then, of course, you testified yesterday

1 and your statement changed again, right?

2 A I don't know.

3 Q Do you remember what you said yesterday to
4 these jurors?

5 A Word for word? No.

6 Q Well, I wrote it down. Let's see if this
7 helps.

8 A Okay.

9 Q Yesterday, you said that my client said,
10 quote, "It's all my fault. I did this," end quote.

11 A Yes.

12 Q Do you remember that?

13 A Uh-huh.

14 Q Is that a yes?

15 A Yes, sir.

16 Q But you didn't say that at the grand jury?

17 A No.

18 Q And you didn't say that to Proctor?

19 A No, sir.

20 Q And you didn't put it in your report?

21 A That's correct.

22 Q If you were to testify in another two or three
23 weeks, do you think your statement will just keep
24 evolving?

25 MR. LALLY: Objection.

1 THE COURT: Sustained.

2 BY MR. JACKSON:

3 Q Now, I want to shift gears for a second and
4 talk about what Ms. Read actually said that morning.
5 You said that you reviewed your dash cam video,
6 correct?

7 A Once.

8 Q Do you remember when you arrived, one of the
9 first things out of your mouth was the question, what
10 happened?

11 A Yes.

12 Q That would be a natural question to ask?

13 A Sure.

14 Q You're trying to assess the scene and assess
15 the situation?

16 A Absolutely.

17 Q And you would want to listen closely to what
18 that answer was, correct?

19 A Sure.

20 Q Ms. Read did, in fact, answer you, didn't she?

21 A I don't recall what she said.

22 Q She said, quote, "My boyfriend, I left him,
23 and he never came home," end quote. Correct?

24 A I don't know.

25 Q You agree, we've already agreed, that details

1 matter in any investigation?

2 A Absolutely.

3 Q They certainly matter in this investigation,
4 correct?

5 A Yes, sir.

6 Q I'd like you to take a look at what's been
7 premarked as Exhibit 26. This is about the 3:50
8 runtime. I'm not looking at the actual -- I'm not
9 looking at the actual time of day over here. I'm
10 looking at the runtime which is down at the bottom.

11 So, Mr. Bates, if you could play that?

12 Just to orient everybody, does this appear to
13 be your dash cam?

14 A Yes, sir.

15 Q The same dash cam you were looking at
16 yesterday?

17 A Yes.

18 (Whereupon, the video was played.)

19 Q Officer Saraf, just like it's not an eye exam,
20 it's not a hearing exam, either. I'm going to do the
21 best I can to raise the volume.

22 A Uh-huh.

23 Q And, Officer Saraf, I want to focus your
24 attention, if you wouldn't mind, on nine seconds after
25 you say, what happened? Just count in your head and

1 listen very, very carefully to a woman's voice that
2 responds and what she says.

3 (Whereupon, the video was played and paused.)

4 BY MR. JACKSON:

5 Q It's very, very hard to hear. Have you
6 listened to that before?

7 A No.

8 Q Does it appear to you that she said, my
9 boyfriend, I left him and he never came home?

10 A I couldn't understand anything.

11 Q Okay. Let's replay it one more time. Turn
12 the volume up right at that moment. Listen for a
13 woman's voice.

14 THE COURT REPORTER: I'm not hearing what
15 you're saying to the witness.

16 MR. JACKSON: Hold on. I was asking --

17 BY MR. JACKSON:

18 Q Officer Saraf, please listen to -- there is a
19 din of noise, obviously, road noise, wind noise, et
20 cetera. It's your dash cam, the audio from your dash
21 cam. Once you close the door, listen very carefully
22 about nine seconds after you say what happened for a
23 woman's voice and see if you can make out what that
24 voice says.

25 A Sure.

1 (Whereupon, the video was played.)

2 MR. JACKSON: Stop.

3 BY MR. JACKSON:

4 Q Did you hear, I left him and he never came
5 home?

6 A I couldn't understand what was said.

7 Q You couldn't understand that?

8 A No.

9 Q Do you want to hear it one more time?

10 A I don't think --

11 THE COURT: No. No. Turn the lights on,
12 please.

13 BY MR. JACKSON:

14 Q Now, if my client had said, my boyfriend, I
15 left him, and he never came home, would that be
16 something that you would find important to put in your
17 report?

18 MR. LALLY: Objection.

19 THE COURT: Sustained.

20 BY MR. JACKSON:

21 Q Let's move to another area of the dash cam
22 video. I want to keep playing it at the 28-minute
23 mark, the 28 minute and 20 second mark or so.

24 THE COURT: May I see counsel at sidebar for
25 just a minute, please?

1 (Whereupon, there was a sidebar conference as
2 follows:)

3 THE COURT: So typically we play something
4 only once. You played it twice and you were ready
5 to play it a third. You need to ask permission to
6 do anything like that. Okay?

7 MR. JACKSON: Sure.

8 THE COURT: You can't just keep playing things
9 twice. Okay? All right.

10 So you said we're going to keep focusing on
11 the 26th -- or whatever it was. Are you planning
12 on showing it for a second time?

13 MR. JACKSON: This one, it will probably --
14 it's hard to see the first time. I'll do my best
15 to highlight what I am asking him to look at. I
16 may ask to play it twice, no more than twice.

17 THE COURT: What is it?

18 MR. JACKSON: It shows Jennifer McCabe pass by
19 an SUV and go into the house.

20 THE COURT: Can you freeze it as it goes on
21 instead of showing it twice?

22 MR. JACKSON: I will.

23 THE COURT: Once you show it more than once,
24 it gets to argument. Okay?

25 MR. JACKSON: I'll do my best.

1 THE COURT: So just once. Just once.

2 (Whereupon, the sidebar conference is concluded.)

3 MR. JACKSON: May I, Your Honor?

4 THE COURT: Yes.

5 BY MR. JACKSON:

6 Q Officer Saraf, just as a predicate to what I'm
7 going to ask you next, do you recognize your dash cam
8 video being to the left of the screen?

9 A Yes, sir.

10 Q Okay. Have you looked at Sergeant Goode's
11 dash cam video, which is squared up on the right side
12 of the screen?

13 A Never. No.

14 Q You've never seen it?

15 A No.

16 Q Okay. Does it appear to you that these are
17 two different perspectives of the same scene? In other
18 words, you see the car or the SUV on the left side of
19 the screen right here, correct?

20 A Yes, sir.

21 Q You see that same SUV right there, correct?

22 A Yes, sir.

23 Q Okay. Does that appear to be two different
24 perspectives, two different angles?

25 A Yes.

1 Q Of basically the same thing?

2 A Yes.

3 Q Okay. I want to draw your attention to the
4 individuals to the left of the SUV right here. There
5 is a person wearing a hood with fur on it. Is that
6 Kerry Roberts to your memory?

7 A I don't know.

8 Q Okay. There appears to be another person with
9 a darker jacket standing just in front of that person
10 with the hood in the frame? Do you see that person?

11 A Yes.

12 Q I am going to ask you to focus on the person
13 in the darker jacket.

14 A Sure.

15 Q And the only reason I'm asking you to focus at
16 this point is because I want to try to play this just
17 once and see if you recognize what's depicted in the
18 video.

19 A Sure.

20 Q What I expect you may see is this person move
21 out of sight behind the SUV and then in the background
22 there is an SUV parked in the driveway. Pay special
23 attention to that portion of the SUV and see if you see
24 that person in the dark jacket pass from right to left
25 in front of that SUV as if they are going to the house.

1 Let's go ahead and play it.

2 (Whereupon, the video was played and paused.)

3 MR. JACKSON: Okay. Go ahead and pause it.

4 BY MR. JACKSON:

5 Q Have you seen the person in the dark jacket
6 leave the vehicle?

7 A Yes.

8 Q Did she appear to go behind the SUV?

9 A Yes.

10 Q Go ahead and play it.

11 (Whereupon, the video was played and paused.)

12 MR. JACKSON: Go ahead and stop it.

13 BY MR. JACKSON:

14 Q And now I'm going to ask you to draw your
15 attention to that car with snow on it. Pay special
16 attention to that car as the film continues to run.

17 Go ahead.

18 (Whereupon the video was played and paused.)

19 MR. JACKSON: Pause it.

20 BY MR. JACKSON:

21 Q Do you see the person standing in front of the
22 car?

23 A It appears to be a person, yes.

24 Q Walking from right to left?

25 A Yes.

1 Q Would that be toward the house?

2 A Yes, it would be.

3 Q Okay. And also if you wouldn't mind switching
4 your perspective. Now you're looking more at the front
5 of the house. Continue watching the film and see if
6 you see that same person walking toward the house.

7 (Whereupon, the video was played and paused.)

8 MR. JACKSON: Stop.

9 BY MR. JACKSON:

10 Q Did you see that?

11 A No. I didn't see. Oh, yeah. I saw a shadow.
12 Yes.

13 Q Right. A shadow of a person walking toward
14 the front of the house?

15 A Yes.

16 Q That was Jennifer McCabe going into the house,
17 wasn't it?

18 A I have no idea.

19 Q Was it a person going into the house?

20 A It was a person, yes.

21 Q Did you give anybody any permission to go into
22 the house?

23 A No.

24 Q Would you think that a witness in a homicide
25 scene -- we can go ahead and raise the lights. Thank

1 you.

2 Would you think that a witness at a homicide
3 scene being allowed to go into a house to make contact
4 with other witnesses --

5 A I didn't -- I'm sorry.

6 Q If I could finish my question. Do you think
7 it's appropriate for a witness at a potential homicide
8 scene, an unconscious person scene, whatever, a crime
9 scene, to make contact with other witnesses and begin
10 discussing the situation unsupervised?

11 A Can you rephrase that question, sir?

12 Q Do you think that's an appropriate thing to
13 have happen?

14 A I have no answer for that, sir. I don't know
15 what you're asking.

16 Q Officer Saraf, when you go to a crime scene,
17 one of the first things that you want to do is secure
18 the scene and separate witnesses so that interviews can
19 be conducted, correct?

20 A Sure.

21 Q You wouldn't want witnesses just cavorting
22 together and getting their stories straight, right?

23 A Correct.

24 Q You'd want to avoid that at all cost, right?

25 A Yes. Yes.

1 Q And why is that?

2 A So they can't collaborate their story.

3 Q Yet there is a woman -- sorry -- there was a
4 person walking from the area where a body was found in
5 the lawn of the house, walking into the house to make
6 contact with other individuals, correct?

7 A It appeared that way, yes.

8 Q Does that seem appropriate to you?

9 A No.

10 Q Of course not. We've talked a bit about what
11 you did and didn't hear at the scene from my client.
12 At any point when you were at that location, did you
13 hear my client repeating the phrase, I hit him, I hit
14 him, I hit him, I hit him?

15 A She said "I hit him"? No. I didn't hear
16 that.

17 Q You never heard her whisper it, yell it, say
18 it or otherwise?

19 A Not that I recall.

20 Q If you had heard that statement, you likely
21 would have written it down, wouldn't you?

22 A Yes.

23 Q You likely would have reported that to
24 Trooper Proctor the next day, wouldn't you?

25 A Yes.

1 Q You likely would have mentioned it in your
2 grand jury testimony, correct?

3 A Yes.

4 Q And you did none of those things because you
5 did not hear that statement, correct?

6 A I did not hear that, no.

7 Q Sir, you were at 34 Fairview for more than an
8 hour before you cleared the scene, right?

9 A Yes, sir.

10 Q You were at the location of the body of
11 John O'Keefe?

12 A Yes.

13 Q In other words, you didn't stay in your
14 cruiser. You walked out to where John O'Keefe was?

15 A No. I was in my cruiser at different times.

16 Q It must have been a bad question.

17 A Okay.

18 Q You didn't just stay in your cruiser. At
19 points, you got out of your cruiser and walked over and
20 made contact with the women, and you were standing next
21 to the body?

22 A Yes.

23 Q And you were obviously looking around. You
24 noticed some footprints?

25 A Yes.

1 Q And you even noticed a lack of footprints?

2 A That's correct.

3 Q So you were being observant at the area of the
4 body?

5 A Yes.

6 Q And the area adjacent to the body?

7 A Yes.

8 Q You were looking for anything that might have
9 been out of place?

10 A Yes.

11 Q Anything of any evidentiary value, correct?

12 A Yes.

13 Q You never saw or otherwise observed or located
14 a single piece of taillight material, did you?

15 A No.

16 Q You certainly didn't see 45 pieces of broken
17 plastic or taillight material, did you?

18 A No.

19 Q You never located or otherwise observed
20 John O'Keefe's missing shoe?

21 A No.

22 Q Or any other clothing of his?

23 A No.

24 Q Officer Saraf, did you ever think to look
25 inside the house for that missing shoe?

1 A No.

2 Q That never crossed your mind?

3 A No.

4 Q Do you think that might have been a smart
5 thing to do at the time?

6 MR. LALLY: Objection, Your Honor.

7 THE COURT: Rephrase the question.

8 MR. JACKSON: Sure.

9 BY MR. JACKSON:

10 Q Do you think that would have been appropriate
11 protocol when dealing with a body laying on a lawn that
12 is partially unclothed to look inside the house of the
13 lawn?

14 A No.

15 Q You didn't think that would have been
16 appropriate protocol?

17 A No.

18 Q For you or for anybody else?

19 A No.

20 Q Obviously, you did not conduct a search of
21 that house, did you?

22 A No.

23 Q And you're aware that to this day, no law
24 enforcement officer ever conducted a search of that
25 house?

1 A I'm not aware of that.

2 MR. JACKSON: May I have just a moment, Your
3 Honor?

4 THE COURT: Yes.

5 MR. JACKSON: No other questions, Your Honor.
6 Thank you.

7 THE COURT: Anything, Mr. Lally?

8 MR. LALLY: Just briefly, Your Honor.

9 REDIRECT EXAMINATION

10 BY MR. LALLY:

11 Q Good morning, sir.

12 A Good morning.

13 Q You were asked some questions and you were
14 shown a dispatch log; is that correct?

15 A That's correct.

16 Q And the dispatch log, as far as the Canton
17 Police Department is concerned, are you aware of sort
18 of how or when or who creates that?

19 A Yes.

20 Q And can you explain to the jury sort of how
21 that document sort of comes into being?

22 A So when the call comes in, an officer is at
23 the desk. Usually the first thing they would do is
24 dispatch, get people going to the scene and get
25 everybody rolling as far as if they need F.D., police,

1 whatever resources they need, and basically then type
2 in what the call is and who is going.

3 Q So fair to say it's more important to get
4 assets allocated to a scene, especially in the case of
5 an emergency, which is why someone is calling 911 than
6 to ensure the dispatch time is correct down to the
7 second; is that right?

8 A Absolutely.

9 Q Now, you were asked some questions about
10 different things that you heard the defendant say,
11 correct?

12 A That's correct.

13 Q Okay. And you were shown specifically some
14 grand jury testimony from April of 2022 in which you
15 indicated during that testimony that the defendant
16 stated, this is my fault?

17 A Yes.

18 Q And is that based on your memory of what she
19 said?

20 A Yes.

21 Q And you also testified yesterday along those
22 same lines, correct?

23 A Correct.

24 Q So what you testified to before this jury, as
25 far as your memory, is that accurate as to what

1 happened on that scene, January 29th, 2022?

2 A Yes.

3 Q Now, prior to this call, did you know
4 Kerry Roberts?

5 A No.

6 Q Did you know Karen Read?

7 A No.

8 Q Did you know John O'Keefe?

9 A No.

10 Q Did you know Jennifer McCabe?

11 A No.

12 Q Based on what you've seen as far as the dash
13 camera, would you be able to differentiate between
14 Jennifer McCabe or Kerry Roberts from that dash camera
15 footage?

16 A No.

17 Q Now, while you were on scene, did you see
18 anybody from 34 Fairview Road, from that address, come
19 outside?

20 A No.

21 Q Did you see anybody from any address on that
22 entire street for the entire 90 minutes that you were
23 there come outside?

24 A No.

25 Q Now, you were asked some questions about some

1 different addresses on Fairview, whether they be 32 or
2 35. Do you know where either 32 or 35 is located in
3 relation to 34?

4 A They would be next to each other in sequential
5 order.

6 MR. LALLY: Nothing further.

7 MR. JACKSON: Nothing, Your Honor. Thank you.

8 THE COURT: All right. You're all set,
9 Officer. Thank you.

10 THE WITNESS: Thank you.

11 (Whereupon, the witness is excused.)

12 THE COURT: Mr. Lally, who is your next
13 witness?

14 MR. LALLY: Your Honor, the Commonwealth would
15 call Officer Stephen Mullaney to the stand.

16 Whereupon,

17 STEPHEN MULLANEY

18 having been first duly sworn, was examined and
19 testified under oath as follows:

20 THE COURT: You can stand or sit. Just make
21 sure you speak into the microphone.

22 Whenever you're ready, Mr. Lally.

23 MR. LALLY: Thank you, Your Honor.

24 DIRECT EXAMINATION

25 BY MR. LALLY:

1 Q Good morning, sir.

2 A Good morning.

3 Q Could you please state your name and spell
4 your last name for the jury?

5 A Stephen Mullaney, M-U-L-L-A-N-E-Y.

6 Q And how are you employed, sir?

7 A I am employed by the Canton Police Department
8 as a patrolman.

9 Q And how long have you been a patrolman for the
10 Canton Police?

11 A Since July of 2020 and a full-time officer
12 since August 2021.

13 Q And, if I could call your attention to the
14 evening of January 28th, 2022, into the morning of
15 January 29th, 2022, were you working on that occasion?

16 A Yes. I was working the 11:45 p.m. to 7:45
17 a.m.

18 Q And were you dispatched to a call shortly
19 after 6:00 a.m. on the 29th?

20 A Yes, I was.

21 Q And where were you dispatched to and what was
22 that in regard to?

23 A 34 Fairview Road for an unresponsive party.

24 Q Now, if we could turn back just for a second,
25 as far as when you're assigned as far as a patrolman

1 with the Canton P:olice, are there different sort of
2 geographic sectors within the town to which you're
3 assigned?

4 A Yes. I was assigned to the East Sector.

5 Q Okay. And is Fairview Road within that East
6 Sector?

7 A It's the West Sector.

8 Q Okay. So you were assigned to the East Sector
9 but dispatched to a call on the West Sector; is that
10 correct?

11 A Correct.

12 Q Okay. Do you know why that was?

13 A Yes. The East Sector backs up the West
14 Sector.

15 Q Prior to this on the 28th, going into the
16 29th, were you aware --

17 THE COURT: Hold on a minute.

18 MR. LALLY: Sure.

19 THE COURT: Go ahead, Mr. Lally.

20 MR. LALLY: Thank you, Your Honor.

21 BY MR. LALLY:

22 Q So on the 28th, going into the 29th, what, if
23 any, awareness did you have as far as the weather
24 forecast or sort of what was predicted as coming?

25 A I believe around midnight, it began to snow.

1 Q And that's while you're on shift; is that
2 correct?

3 A Yes.

4 Q When you're on shift and you're on patrol,
5 particularly when there is a weather situation as far
6 as snow or something like that, what is it that you're
7 doing on patrol?

8 A Well, I stayed in the parking lot that shift
9 so I didn't get stuck.

10 Q And, as far as the snow that was predicted and
11 the snow that fell, how much precipitation and what
12 kind of storm was it?

13 A Well, by the morning, it was pretty heavy
14 snow.

15 Q And by what time in the morning?

16 A Around 6:00 a.m.

17 Q So by the time that you were dispatched to
18 that call, we were just talking about the snow was
19 picking up and getting heavy?

20 A Yes.

21 Q Okay. And, as you were -- so you were at the
22 station when you received the dispatch; is that
23 correct?

24 A Correct, yes.

25 Q And where is -- well, about how far away is

1 Fairview Road from where you were at the station?

2 A A mile and a half, two miles.

3 Q And can you describe to the jury sort of the
4 route that you took going from the station to Fairview
5 Road that morning?

6 A I took a right onto Washington Street from the
7 station, and then I took a right onto Dedham Street and
8 Washington Street, a left onto Cedarcrest from Dedham
9 and then a left onto Fairview Road from Cedarcrest.

10 Q And so Fairview Road runs sort of between two
11 other more major roads in Canton, fair to say?

12 A Yes.

13 Q And you mentioned Cedarcrest; is that correct?

14 A Yes.

15 Q And Cedarcrest is off of Dedham?

16 A Correct.

17 Q And so what is the other sort of major road on
18 the other sort of intersection side of Fairview Road?

19 A Chapman Street.

20 Q So when you're coming from Cedarcrest onto
21 Fairview, about how far into Fairview is 34?

22 A Two houses down on the right.

23 Q So the house would have been on your right; is
24 that correct?

25 A Correct.

1 Q And, in addition to yourself, who, if anyone
2 else, from your department was dispatched to this call
3 as well?

4 A Officer Saraf.

5 Q And who, if anyone, arrived first?

6 A Officer Saraf had arrived prior to my arrival.

7 Q And Officer Saraf, as far as -- which
8 direction was his cruiser facing? The same as yours,
9 directly at yours or something else?

10 A I don't recall.

11 Q Do you recall seeing Officer Saraf during your
12 en route time, sort of between the station and arriving
13 on the scene?

14 A I do not, no.

15 Q Now, as far as when you're driving from the
16 station to the scene, what, if anything, do you recall
17 about sort of the road conditions, visibility, anything
18 like that?

19 A Visibility was difficult. I don't exactly
20 recall how far you could see, but it was definitely
21 coming down.

22 Q And, at this point in time on January 29th,
23 just after 6:00 a.m., what are sort of the lighting
24 conditions? Has the sun come up yet? Is it dark out
25 or what is going on?

1 A It was still dark out.

2 Q And, if you recall, what was sort of the
3 vehicular traffic on the roadway between the station
4 and your arrival on Fairview Road?

5 A I don't recall there being any traffic.

6 Q Now, as far as when you are coming to the
7 scene, do you recall whether or not you had to activate
8 sort of your lights or your sirens or anything like
9 that?

10 A I believe I would have used the blue lights?

11 Q Do you recall using the sirens?

12 A I do not recall whether I used sirens.

13 Q And, if you know, about how much time elapsed
14 between the time that you received the call and the
15 time that you arrive on Fairview?

16 A Three minutes, probably.

17 Q And, when you arrived there, what, if
18 anything, is sort of the first thing that you see?

19 A I saw Officer Saraf towards like the front
20 lawn, kind of surrounding the victim. There were a
21 couple of other people, as well. And the fire
22 department was on arrival right about the same time.

23 Q And so beyond yourself and Officer Saraf from
24 the Canton Police, were there other sort of town assets
25 that were dispatched to this call, as well?

1 A The fire department.

2 Q Okay. When you say "the fire department," how
3 many sort of vehicles or what was their response as far
4 as --

5 A I believe they had a fire engine and an
6 ambulance.

7 Q And do you recall if the fire ambulance -- I'm
8 sorry -- the fire engine and the ambulance came from
9 sort of the same side as you, from Cedarcrest, or did
10 they come into the scene from the opposite side as far
11 as from Chapman?

12 A They had come down Chapman Street to Fairview,
13 and they were facing towards the address.

14 Q Now, so you arrive there. You see
15 Officer Saraf and people from the fire department,
16 correct?

17 A Yes.

18 Q Okay. And you indicated that you saw a person
19 on sort of -- a person on the ground, is that correct?

20 A Yes.

21 Q And, just for clarity purposes, at some point
22 subsequent to this, you were able to identify the
23 person that was on the ground; is that correct?

24 A Yes.

25 Q Okay. And that was John O'Keefe; is that

1 correct?

2 A Yes.

3 Q Okay. And the other people that you
4 indicated were there, where were they in relation
5 to John O'Keefe?

6 A I think -- I don't really recall where
7 everybody was upon my arrival. But I think everyone
8 was kind of like in the vicinity around the curb to the
9 street.

10 Q Now, as far as when you're first arriving and
11 you're pulling up to the scene, were you able to see
12 Mr. O'Keefe on the grounds at that point, or did --

13 A I did get -- I saw people around but I had to
14 get closer before I saw the victim on the ground.

15 Q And so the other people that you saw around
16 him, were they kneeling down, standing up or something
17 else?

18 A I believe Officer Saraf was still standing up.
19 I don't recall anyone else.

20 Q And so fair to say you saw Officer Saraf
21 standing up near Mr. O'Keefe before you actually saw
22 Mr. O'Keefe, correct?

23 A Yes. Yes.

24 Q Now, this particular area where you saw
25 Officer Saraf standing up and Officer O'Keefe -- I'm

1 sorry -- Mr. O'Keefe or Officer O'Keefe on the ground,
2 what if any sort of additional ambient lighting did you
3 observe in that area? Was there any streetlights or
4 anything like that around there?

5 A Not that I recall.

6 Q Now, in addition to Officer Saraf, at some
7 point did you encounter some other individuals or
8 civilian people on scene?

9 A Yes. Ms. Jen McCabe.

10 Q In addition to Ms. McCabe, were there any
11 other female parties there, as well?

12 A Yes. Kerry Roberts.

13 Q And, in addition to Ms. Roberts, was there any
14 other female parties there?

15 A Yes. Ms. Read.

16 Q And, just to be clear, do you see Ms. Read in
17 the courtroom today?

18 A Yes.

19 Q Okay. And could you identify as to where she
20 is seated or an article of clothing she's wearing?

21 A Black dress.

22 MR. LALLY: I'd just ask the record reflect
23 the identification of the defendant, Your Honor.

24 THE COURT: Yes.

25 BY MR. LALLY:

1 Q Now, prior to this call, did you have any
2 prior sort of familiarity with Karen Read?

3 A No.

4 Q Okay. With John O'Keefe?

5 A No.

6 Q With Jennifer McCabe?

7 A No.

8 Q With Kerry Roberts?

9 A No.

10 Q And, when you arrived and you made those sort
11 of initial observations, where is it that you go and
12 what, if anything, do you do?

13 A The fire department began their lifesaving
14 measures. And, at one point, we were able to get him
15 onto the stretcher or onto a backboard, I believe it's
16 called, and then onto a stretcher.

17 Q And what, if any, involvement did you have
18 with that?

19 A I assisted the fire department on placing him
20 on the backboard and then helping get him onto the
21 stretcher.

22 Q Now, as far as you mentioned that the -- where
23 you came and located Mr. O'Keefe, do you recall sort of
24 what position his body was in when you first observed
25 him?

1 A He was lying face up with his back on the
2 ground.

3 Q And do you recall where he was in relation to
4 the roadway, if you could tell?

5 A Yeah. He was on the front lawn. I didn't
6 know exactly where the curb was, but I would say
7 approximately 10 feet from the curb.

8 Q And so you mentioned that you couldn't tell
9 exactly where the curb was. Why is that?

10 A There was snow on the ground.

11 Q So the snow sort of covered the curb at that
12 time that you're there; is that correct?

13 A Yes.

14 Q But you approximate it was about 10 feet into
15 the lawn?

16 A Yes.

17 Q And the snow on the ground that you observed
18 that time when you first arrived, about how much snow
19 had accumulated on the ground?

20 A At that point, approximately six inches.

21 Q And what, if any, snow did you observe on any
22 part of Mr. O'Keefe's body when you first saw him?

23 A There was really no snow but you could tell
24 that he had been in the conditions. It was almost as
25 if it was like water, kind of like frozen kind of to

1 his face.

2 Q And did you make any observations or what, if
3 any, observations did you make beyond his face as far
4 as sort of the rest of his body?

5 A I don't recall, really, any observations.

6 Q Okay. Do you recall how he was dressed?

7 A I do not.

8 Q Do you recall what, if any, snow was on any
9 other part of his body?

10 A I do not.

11 Q Now, as far as Mr. O'Keefe was concerned,
12 what, if any, observations did you make as far as any
13 injuries to Mr. O'Keefe at that initial time?

14 A I do not recall any injuries.

15 Q So nothing stood out to you; is that correct?

16 A No. Correct.

17 Q And you assist the fire department in getting
18 him onto a backboard, correct?

19 A Yes.

20 Q And where did Mr. O'Keefe go from there?

21 A To the ambulance.

22 Q And did you go to the ambulance, as well?

23 A Not that I recall, no.

24 Q So the fire department sort of takes over care
25 of Mr. O'Keefe at that point?

1 A Yes.

2 Q So after Mr. O'Keefe is lifted up, when he is
3 lifted up, what, if anything, did you observe as far as
4 the ground that had been underneath Mr. O'Keefe and
5 where he was?

6 A I didn't recall anything, observe anything,
7 no.

8 Q You don't recall anything.

9 A No.

10 Q Do you recall looking sort of in that area?

11 A No. I think he was in front of me. So I
12 wouldn't have seen what was under him.

13 Q So after Mr. O'Keefe is taken by members of
14 the fire department over to the ambulance, what is it
15 that you do?

16 A Officer Saraf, at that point, we were trying
17 to identify the victim. So I spoke to Ms. McCabe.

18 Q And, without sort of anything that Ms. McCabe
19 told you, about how long a period of time did you talk
20 to Ms. McCabe, gathering information?

21 A Approximately two minutes.

22 Q And who, if anyone else, did you speak with,
23 attempting to gather information regarding Mr. O'Keefe?

24 A Ms. McCabe is the only one I recall speaking
25 to.

1 Q Now, as far as the defendant, Ms. Read, did
2 you -- what, if anything, do you recall her sort of
3 doing as you're on scene and as you're going about what
4 you're trying to do?

5 A She was screaming, is that my boyfriend, is he
6 dead.

7 Q And, when you say "screaming," in a fairly
8 loud voice, correct?

9 A Very, very loud, yes.

10 Q As far as that sort of phraseology as far as
11 is he dead, how many times -- was that something she
12 said once, more than once, or something else?

13 A Repeated many times.

14 Q And with the same sort of volume you said she
15 had said it with as you described the first time?

16 A Yes.

17 Q And, as far as, if you know, about how long
18 was the ambulance on scene before it left to go to the
19 hospital?

20 A Ten minutes, approximately.

21 Q Do you know what hospital it went to?

22 A Good Samaritan.

23 Q After the ambulance left and went to the
24 hospital, where did the three women that you're talking
25 about, being the defendant, Ms. McCabe and Ms. Roberts,

1 where did they go?

2 A I believe they left the scene.

3 Q So did you have any -- or what, if any,
4 conversation did you have with any of them following
5 that?

6 A None.

7 Q Now, as far as Ms. Read, the defendant, is
8 concerned, what, if anything else did you observe as
9 far as her saying or her demeanor or anything like
10 that?

11 A Just the screams and the -- she was very
12 distraught.

13 Q Now, at some point, did Ms. Read sort of stay
14 in one place or where did Ms. Read go sort of around
15 the cruisers and the ambulance and all of that?

16 A I believe she went in one of the vehicles. I
17 don't know if it was a cruiser or one of the cars just
18 to stay warm.

19 Q And the other women that were with her as far
20 as Ms. McCabe and Ms. Roberts, were they in the same
21 general vicinity as the defendant or were they
22 separated, if you recall?

23 A I don't recall.

24 Q Now, at some point after they had left the
25 scene, what, if anything, were you advised by your

1 dispatch in regard to Ms. Read?

2 A We were dispatched that -- or Canton control
3 had advised that she was making suicidal statements.

4 Q And so based on that, what, if anything, did
5 you or the other officers that you were on scene with
6 do at that point?

7 A I don't recall exactly who, but somebody had
8 called Ms. Roberts to have Ms. Read come back to the
9 scene, and we Section 12'd her.

10 Q Okay. And so about how much time elapsed
11 between the time that you learned that from dispatch
12 and the time that Ms. Read arrives back on scene with
13 Ms. Roberts?

14 A Five minutes, roughly.

15 Q Now, you mentioned that there may have been
16 other officers on scene, correct?

17 A Yes.

18 Q So in addition to yourself and Officer Saraf,
19 who, if anyone else, from your department arrived on
20 scene while you were there?

21 A Sergeant Goode arrived, Sergeant Lank and
22 Lieutenant Gallagher.

23 Q And when was that in relation to when yourself
24 and Officer Saraf arrived on scene?

25 A Sergeant Goode was there shortly after, and

1 then Sergeant Lank shortly after him and then
2 Lieutenant Gallagher after that.

3 Q And, in total, as far as sort of the earliest
4 and the longest, about how long was it until
5 Lieutenant Gallagher arrived on scene?

6 A Less than 45 minutes.

7 Q And, in total, how long was it that you were
8 on scene that morning?

9 A Ninety minutes to two hours.

10 Q And, during the course of time that you were
11 on scene at some point, did the sun come up?

12 A Yes.

13 Q And, during the time that you were on scene as
14 far as the conditions -- and let me ask just a little
15 bit more about that.

16 So you indicated something about snow being on
17 the ground and not being able to see the curb, correct?

18 A Yes.

19 Q And what, if any, sort of other things in
20 addition to that from a weather perspective, what was
21 the temperature like out at that time?

22 A It was very cold. It was cold.

23 Q Could you or do you have any estimate as far
24 as to how cold?

25 A Twenty-five. I think it was windy.

1 Q And, when you say "windy," could you expound
2 upon that as far as like what kind of wind? Are we
3 talking constant wind gusts or something else?

4 A I would say gusts to constant.

5 Q And fairly strong winds, light winds? What
6 kind of --

7 A Not actually strong. Light winds, but it was
8 definitely windy.

9 Q And, during that sort of total time, about 90
10 minutes or so that you were on scene, was the weather
11 consistent throughout that entire period that you were
12 on scene?

13 A That I recall, yes.

14 Q Now, in the area where you first observed
15 Mr. O'Keefe's body on the lawn, after his body was
16 removed by the fire department, what, if anything, did
17 you observe sort of in that general area?

18 A Nothing.

19 Q Now, again, you said that Ms. Read was brought
20 back to the scene or around Fairview Road at the same
21 time by Ms. Roberts, correct?

22 A Correct.

23 Q And do you know where she went from there?

24 A She was transported to Good Samaritan.

25 Q In a different ambulance than had taken

1 Mr. O'Keefe?

2 A Correct. A different ambulance.

3 Q Now, as far as Mr. O'Keefe was concerned, you
4 assisted in getting him onto the backboard; is that
5 correct?

6 A Yes.

7 Q And did you also assist getting him onto the
8 stretcher?

9 A Yes.

10 Q Beyond sort of the visual observations that
11 you made, did you have occasion to in that process have
12 any sort of tactile observations? Did you come into
13 contact with Mr. O'Keefe's body at any point?

14 A No.

15 Q Beyond what you've already testified to, did
16 you make any other observations at any point of
17 Mr. O'Keefe, his body or any injuries?

18 A No.

19 Q Sir, I'm going to direct your attention up to
20 the screen over here.

21 MR. LALLY: Ms. Gilman, if you could just put
22 up Exhibit 25 and just sort of pause it as soon as
23 it comes up?

24 (Whereupon, the video was displayed and paused.)

25 BY MR. LALLY:

1 Q So, Officer Mullaney, I'm directing your
2 attention to the screen and what's been marked as
3 Exhibit 25.

4 Generally speaking, what's depicted up on the
5 screen here, is that consistent with what you recall as
6 far as the conditions when you were responding to
7 Fairview Road that morning?

8 A Yes.

9 MR. LALLY: Thank you, Ms. Gilman. If I could
10 ask for Exhibit No. 3. Yes. I'm sorry. Exhibit
11 No. 9. That's my fault.

12 BY MR. LALLY:

13 Q Officer Mullaney, directing your attention to
14 what's up on the screen that's been previously marked
15 as Exhibit No. 9 to you, do you recognize what's
16 depicted in that photograph?

17 A Yes.

18 Q Okay. And what do you recognize it to be?

19 A That's 34 Fairview.

20 Q And is that -- how it's depicted in that
21 photograph, is that a relatively fair and accurate
22 portrayal of what you observed of the residence on the
23 morning of January 29th, 2022?

24 A Yes.

25 MR. LALLY: And, Ms. Gilman, if I could have

1 Exhibit No. 18?

2 BY MR. LALLY:

3 Q And, again, Officer Mullaney, what's up on the
4 screen, do you recognize what's depicted in Exhibit 18?

5 A Yes.

6 Q And what do you recognize that to be?

7 A That's 34 Fairview.

8 Q And that's sort of a different view; is that
9 correct?

10 A Yes.

11 Q Now, with regard to the residence, if I'm
12 standing on the street and I'm facing the residence as
13 in the previous photograph, the area of the lawn where
14 you first observed Mr. O'Keefe laying on his back with
15 his face up, would that be to the left of the
16 residence, the right of the residence or dead center or
17 something else?

18 A Left.

19 Q What, if anything, did you observe sort of in
20 that general area as far as any sort of landmarks or
21 things that were in that area?

22 A A fire hydrant and a flagpole.

23 MR. LALLY: And may I approach the witness,
24 Your Honor?

25 THE COURT: Yes.

1 BY MR. LALLY:

2 Q Sir, using this, and I'm going to try not to
3 blind anybody, this is a laser point. You basically
4 just push that button there and it comes on.

5 A Okay.

6 Q So, Officer, if I could ask you, using that
7 laser pointer, if you could direct the jury's attention
8 to where in that photograph, if any, where you recall
9 Mr. O'Keefe's body being located when you first got
10 there?

11 A Right in this area.

12 Q Thank you, sir.

13 MR. LALLY: If I may have one moment, Your
14 Honor?

15 THE COURT: Yes.

16 MR. LALLY: And, Officer, you can put the
17 lights back on. Thank you, sir.

18 I have no further questions.

19 THE COURT: All right. Cross-examination?

20 MR. YANNETTI: Thank you, Your Honor.

21 CROSS-EXAMINATION

22 BY MR. YANNETTI:

23 Q Good morning, Officer.

24 A Good morning.

25 Q Officer Mullaney, you and I have never met

1 before, correct?

2 A Correct.

3 Q We've never spoken about this case?

4 A No.

5 Q Is it fair to say that when you were
6 dispatched to 34 Fairview Road on January 29th of 2022,
7 you were a part-time officer at that time?

8 A I was full-time.

9 Q When did you start at the Canton Police
10 Department?

11 A July 2020.

12 Q Did you start as a part-time officer?

13 A I did.

14 Q I see. I misunderstood your testimony. You
15 actually became full time in August of 2021?

16 A Correct, sir. Yes.

17 Q All right. So you had been full time at that
18 point for about six months when you received this call,
19 correct?

20 A Yes, sir.

21 Q And it's fair to say that you were the junior
22 officer on scene?

23 A Yes, it is.

24 Q You testified that you approached Fairview
25 from the Cedarcrest side, correct?

1 A Yes.

2 Q 34 Fairview Road is much closer to the
3 Cedarcrest side than it is to the Chapman side,
4 correct?

5 A Yes.

6 Q And, when you take a left on Cedarcrest to
7 enter Fairview Road, 34 Fairview is the second house on
8 the right. Does that make sense?

9 A From Cedarcrest, yes.

10 Q Yes. And you were quickly surmising that
11 whatever action was taking place there was taking place
12 on the front lawn of 34 Fairview, correct?

13 A Yes, sir.

14 Q And one of the first things that you saw was
15 there appeared to be a woman giving CPR to somebody on
16 the ground?

17 A Yes.

18 Q You didn't know who that woman was at the
19 time, correct?

20 A No, sir.

21 Q But you later learned her identity?

22 A Yes. I don't recall which female it was that
23 was giving CPR, though.

24 Q Okay. So you don't recall that it was
25 Karen Read who was giving CPR to John O'Keefe?

1 A I don't know who it was.

2 Q At some point in time, you came in contact
3 with Karen Read, correct, while you were on scene?

4 A Not direct contact, but I was on scene when
5 she was there.

6 Q I mean, you were there until about 8:00 a.m.;
7 correct?

8 A Yes.

9 Q And you were dispatched shortly after 6:00
10 a.m., correct?

11 A Yes, sir.

12 Q You were there for approximately two hours,
13 correct?

14 A Yes.

15 Q You were there when Karen Read -- well,
16 Karen Read was there when you showed up, correct?

17 A Yes.

18 Q She left and she came back to the scene,
19 correct?

20 A Yes.

21 Q And you were there when she came back,
22 correct?

23 A Yes, sir.

24 Q So with regard to your contact with her, she
25 certainly was within eyeshot, correct?

1 A Yes, sir.

2 Q And you actually, at some points, were closer
3 to her than you are to me right now, correct?

4 A Yes.

5 Q How close did you get to her?

6 A Ten feet.

7 MR. YANNETTI: With the Court's permission,
8 I'd like to walk toward you and have you stop me
9 when I am at the point when you are at your closest
10 to Karen Read.

11 Can I do that, Your Honor?

12 THE COURT: Okay. Go ahead.

13 MR. YANNETTI: Thank you.

14 (Whereupon, Mr. Yannetti walks toward the witness.)

15 THE WITNESS: Right there.

16 BY MR. YANNETTI:

17 Q Okay. And, when you were this close to her --
18 and you're estimating this to be about 10 feet,
19 correct?

20 A Yes.

21 Q When you were this close to her, was there
22 anything blocking your view of her face?

23 A Not that I recall.

24 Q You noticed, obviously, that she had blood on
25 her face, correct?

1 A I did not notice that.

2 Q You didn't notice that she had blood in her
3 hair?

4 A I did not notice that.

5 Q You did notice that she was absolutely
6 hysterical?

7 A Yes.

8 Q She was completely distraught?

9 A Yes.

10 Q She appeared to be in shock?

11 A Yes.

12 Q And there was a contrast between that demeanor
13 that you observed with regard to Karen Read and the
14 demeanor of one of the other women on scene, Jennifer
15 McCabe; was there not?

16 A Can you kind of explain further?

17 Q Sure. Karen Read was screaming, correct?

18 A Yes.

19 Q She was yelling, correct?

20 A Yes.

21 Q She was hysterical and distraught, correct?

22 A Yes.

23 Q Jennifer McCabe was not?

24 A Correct.

25 Q And you actually had more contact, direct

1 contact, with Jennifer McCabe that morning, correct?

2 A Yes.

3 Q And you spoke to Jennifer McCabe for a good
4 two minutes, correct?

5 A Yes, sir.

6 Q Face to face?

7 A Yes, sir.

8 Q You were closer to Jennifer McCabe than you
9 ever got to Karen Read, correct?

10 A Yes.

11 Q You were able to observe her demeanor?

12 A Yes.

13 Q You were able to hear her tone of voice?

14 A Yes.

15 Q You were able to hear how loudly she was
16 speaking, correct?

17 A Yes.

18 Q You were able to hear how quickly she was
19 speaking?

20 A Yes.

21 Q During those two minutes that you were face to
22 face closer to Jennifer McCabe, she was not screaming,
23 correct?

24 A Correct.

25 Q She was not yelling?

1 A Correct.

2 Q She was not hysterical?

3 A Correct.

4 Q She was not distraught?

5 A Yes.

6 Q She was calm?

7 A Correct.

8 MR. LALLY: Objection, Your Honor.

9 THE COURT: I'll allow it, but let's move on.

10 BY MR. YANNETTI:

11 Q Jennifer McCabe didn't have any blood on her
12 face, correct?

13 A No.

14 Q And you didn't see any blood in Jennifer
15 McCabe's hair, correct?

16 A No.

17 Q Now, with regard to what you heard Karen Read
18 scream that morning, I just want to make sure that I
19 get your testimony correct.

20 I believe on direct examination, you stated
21 that she kept repeating two phrases, one being, "Is he
22 dead," and the second being, "That's my boyfriend";
23 correct?

24 A Yes.

25 Q And how many times do you think that she

1 repeated those two phrases?

2 A Quite a bit. More than 10.

3 Q Okay. Like almost too many times to count,
4 really?

5 A Yes, sir.

6 Q And each time she said, is he dead, what was
7 her tone of voice?

8 A She was screaming very loudly.

9 Q Each time she said, is that my boyfriend, what
10 was her tone of voice?

11 A The same.

12 Q You got there not long after Officer Saraf,
13 correct?

14 A Correct.

15 Q In any of the -- during the time -- let me
16 strike that.

17 During the time that you were on scene and you
18 heard Karen Read screaming and yelling in this
19 distraught and hysterical manner, you never once heard
20 her say, I did it, correct?

21 A I did not.

22 Q You never once heard her say, it's my fault,
23 correct?

24 A I did not.

25 Q You never once heard her say, I hit him, I hit

1 him, I hit him, correct?

2 A I did not.

3 Q If you had heard any of those statements, you
4 would have recognized that those would have been
5 important to note, correct?

6 A Yes, sir.

7 Q And you would have noted those in your police
8 report, obviously, correct?

9 A Yes.

10 Q Because you know that when you're drafting a
11 police report, you want to include all of the important
12 details, correct?

13 A Yes, sir.

14 Q And you want to be precise and accurate,
15 correct?

16 A Yes.

17 Q And so you didn't put those statements in your
18 report because you never heard those statements come
19 out of Karen Read's mouth?

20 A Yes, sir.

21 Q Now, while you were on scene, at some point in
22 time you were asked to participate in a search for
23 evidence on that front lawn, were you not?

24 A I was standing by. I didn't directly search
25 for anything that I recall.

1 Q All right. And when you say you were standing
2 by, you were standing by the area where John O'Keefe's
3 body had been, correct?

4 A Yes.

5 Q And how close were you to that area?

6 A I was like right off the curb at that point.

7 Q How many feet from where the body had been?

8 A Ten to 12 feet.

9 Q Okay. So maybe about the same distance as
10 when I walked toward you? Around that distance?

11 A Yes, sir.

12 Q And how much time did you spend around that
13 distance from where John O'Keefe's body had been?

14 A I don't recall.

15 Q You were there for two hours, correct?

16 A Yes.

17 Q So is it fair to say that you were sort of in
18 and around that area multiple times during that two
19 hours?

20 A Yes.

21 Q Did you ever see anybody ever put up any crime
22 scene tape at all?

23 A I don't recall that.

24 Q You recall other officers sort of searching
25 that area, correct?

1 A Yes.

2 Q And, while you were near that area, you were
3 certainly paying attention to it, correct?

4 A Yes.

5 Q Did you see officers use any equipment to
6 clear some of the snow in that area?

7 A Yes, sir.

8 Q What did you see?

9 A There was a leaf blower.

10 Q Where did that leaf blower come from?

11 A I don't know.

12 Q Who had the leaf blower?

13 A I believe it was Lieutenant Gallagher.

14 Q When did Lieutenant Gallagher arrive on scene?

15 A Forty-five minutes after I did, approximately.
16 I don't recall the exact time.

17 Q And how big was that leaf blower?

18 A Not too big.

19 Q Was it handheld or was it something that you
20 push?

21 A Handheld.

22 Q And who used the leaf blower?

23 A Lieutenant Gallagher.

24 Q At what area or on what area did he use that
25 leaf blower?

1 A The front lawn.

2 Q And would that have been around the area where
3 John O'Keefe's body had been?

4 A Yes.

5 Q And you were watching him as he did that,
6 correct?

7 A Yes, sir.

8 Q What other officers were in that area sort of
9 watching what was going on or participating in the
10 search for what was going on?

11 A I don't necessarily recall where everybody
12 was, but I believe it would be Sergeant Lank and
13 Sergeant Goode.

14 Q And they were superior officers, correct?

15 A Correct.

16 Q And you understood that, you know, these
17 brother officers of yours were looking for evidence,
18 right?

19 A Yes.

20 Q They were looking for clues about potentially
21 what had happened to John O'Keefe, correct?

22 A Yes.

23 Q And you were paying attention, too, as they
24 were doing their work, correct?

25 A Yes.

1 Q You were looking for anything that might have
2 been out of place, correct?

3 A Yes.

4 Q If there was something large there that didn't
5 appear to be, you know, appropriate for a front lawn,
6 you would have made note of that, correct?

7 A Yes.

8 Q And, if there was something small there, you
9 would have still made note of that if it didn't appear
10 to belong on a front lawn, correct?

11 A Yes.

12 Q At any point in time either before or after
13 the leaf blower was taken out by Lieutenant Gallagher,
14 did you see 45 pieces of bright red, black and clear
15 plastic pieces scattered all over the scene?

16 A I didn't, no.

17 Q Did you find even or see even one piece of
18 broken plastic?

19 A I did not.

20 Q Now, when you came to the scene, John O'Keefe
21 was still lying on the ground, correct?

22 A Yes.

23 Q Did you see whether or not there were any
24 blankets on the scene?

25 A No.

1 Q Did you know that one of the women on scene
2 had a sister who lived in that very house?

3 A I did not.

4 Q When you were speaking with Jennifer McCabe,
5 at any point did you learn whether she had actually
6 gone into that house at all?

7 MR. LALLY: Objection.

8 THE COURT: Sustained.

9 BY MR. YANNETTI:

10 Q Did you see Jennifer McCabe approach that
11 house at any point when you were on scene?

12 A No.

13 Q Were you alerted at any point by anyone that
14 she went into that house while you were on scene?

15 A No.

16 Q Did you ever see Jennifer McCabe come out of
17 that house with blankets or anything else that might
18 comfort John O'Keefe?

19 A No.

20 Q What was your state of mind regarding whether
21 there were any first responders in that house?

22 A I don't remember that.

23 Q Nobody told you?

24 A No.

25 Q You had testified that at one point, you saw

1 Karen Read being escorted into a motor vehicle?

2 A Yes.

3 Q And that was one of the women on scene, her
4 motor vehicle?

5 A Yes. It was either that or a cruiser. They
6 were both kind of in the same area.

7 Q All right. But you'll agree with me at no
8 point in time did you see Karen Read and Jennifer
9 McCabe in a vehicle together?

10 A Not that I recall, no.

11 Q And at no point in time did you ever hear
12 Karen Read ask Jennifer McCabe to Google anything?

13 A No.

14 MR. YANNETTI: If I may have a moment, Your
15 Honor?

16 THE COURT: Yes.

17 MR. YANNETTI: No further questions. Thank
18 you, Officer.

19 REDIRECT EXAMINATION

20 BY MR. LALLY:

21 Q Officer Mullaney, you've been to other scenes
22 in which there is a deceased person on scene and family
23 members or friends around?

24 A Yes.

25 Q And, of those other scenes, does everybody who

1 is a friend or a family member of the person who is
2 injured or deceased, do they all react the same?

3 A No.

4 Q Okay. Is every single one of them screaming
5 and yelling different things?

6 A No.

7 Q And there were actually three women on scene
8 that morning, correct?

9 A Yes.

10 Q Okay. So there was Jennifer McCabe. There
11 was the defendant, Ms. Read; and there was Kerry
12 Roberts, correct?

13 A Correct.

14 Q And did you see any blood on Ms. Roberts' face
15 or hair?

16 A No.

17 Q Was she screaming and yelling things and
18 moving around the scene?

19 A No.

20 Q Now, as far as the residents in 34 Fairview
21 Road, did you see anybody go in or come out of that
22 residence during the time that you were on scene?

23 A No.

24 Q And, as far as any of the other residences on
25 the entire rest of the street, did you see any of the

1 neighbors or anybody else come outside at any point in
2 time?

3 A I did not.

4 MR. LALLY: I have nothing further, Your
5 Honor.

6 MR. YANNETTI: One question if I might?

7 THE COURT: Sure.

8 RE CROSS-EXAMINATION

9 BY MR. YANNETTI:

10 Q I don't mean to be a wise guy, sir, but did
11 any of the other neighbors on the entire street have
12 the body of a dead police officer on their front lawn?

13 MR. LALLY: Objection.

14 THE WITNESS: No.

15 THE COURT: All right. So that is sustained.

16 All right. You are all set, sir.

17 THE WITNESS: Thank you, Your Honor.

18 (Whereupon, the witness is excused.)

19 THE COURT: All right, folks. It's 11:00
20 o'clock. We will take our morning recess. Fifteen
21 minutes.

22 (Whereupon, the jury was escorted from the
23 courtroom.)

24 (Whereupon, the defendant was escorted from the
25 courtroom and a brief recess was taken.)

1 (Court resumes at 11:19 a.m.)

2 (Defendant present. Jury present.)

3 THE COURT: Your next witness, please,
4 Mr. Lally?

5 MR. LALLY: The Commonwealth calls
6 Timothy Nuttall.

7 Whereupon,

8 TIMOTHY NUTTALL

9 having been first duly sworn, was examined and
10 testified under oath as follows:

11 THE COURT: You can stand or sit, whatever
12 makes you more comfortable, sir.

13 THE WITNESS: All right.

14 THE COURT: Whenever you are ready, Mr. Lally.

15 MR. LALLY: Thank you, Your Honor.

16 DIRECT EXAMINATION

17 BY MR. LALLY:

18 Q Good morning, sir.

19 A Good morning.

20 Q Could you please state your name and spell
21 your last name for the jury?

22 A Timothy Nuttall. My last name is Nuttall,
23 N-U-T-T-A-L-L.

24 Q And what do you do for work, sir?

25 A I am a firefighter/paramedic with the town of

1 Canton.

2 Q And how long have you been a
3 firefighter/paramedic with the town of Canton?

4 A I believe five years and coming up on six.

5 Q And, prior to working in that capacity with
6 the town of Canton, what, if any other, employment have
7 you had within sort of the same field as far as being a
8 paramedic?

9 A To back up significantly, I got my EMT
10 certification when I was still in high school through
11 CMTI out of Weymouth. They are now owned by Brewster
12 Ambulance.

13 From there, I was employed by Cataldo
14 Ambulance. I worked primarily in the city of Chelsea,
15 running BLS transfers and eventually 911 shifts in that
16 city and that area of the world, if you will.

17 From there, I decided I liked it. I decided
18 to enroll in paramedic school. I went to the same
19 school I went for my BLS certification, back to CMTI.
20 I obtained my paramedic right before I turned 21. I
21 stayed in the same area, primarily in Chelsea and
22 eventually edged my way into Everett a little bit and
23 worked up there for about seven years.

24 During that time, I decided to enroll into the
25 fire suppression side of things. So I was hired by the

1 town of Scituate and was put through Mass. Fire Academy
2 out of Stowe, Class 268 in Stowe, and worked for the
3 Scituate Fire Department for about 18 months and then
4 transferred to Canton Fire Department in November of
5 2019.

6 Q Just a couple of questions about what you had
7 just spoken about. So when you used the term sort of
8 BLS, what does that mean?

9 A So in EMS, there's two kind of branches. BLS
10 is basic life support, which is EMT basic, a smaller
11 skill set, if you will, still running 911 emergencies
12 but that was kind of a stepping stone to see if you
13 could do the job, if you liked the job.

14 And then you can advance on to ALS, advanced
15 life support, which is the paramedic side of things.
16 That's a broader skill set, many more medications, many
17 more interventions that we can perform in the field.
18 Obviously, I enjoyed the BLS side. So I advanced to
19 the ALS side.

20 Q Now, as far as starting with becoming an EMT,
21 what, if any -- you mentioned you went to a CMTI
22 school. But what type of education do you require
23 prior to getting any sort of -- graduating or
24 certification or something like that? What are the
25 classes like?

1 A So it kind of runs the gamut. For emergency
2 medicine, you start mostly with anatomy and physiology,
3 the human body. It progresses down to how those
4 illnesses can progress and the natures of illness.
5 Once that is kind of understood, then we advance on to
6 pharmacology and interventions, just basic
7 interventions that you can do. And then the basic
8 interventions are further progressed into more advanced
9 interventions throughout the program.

10 Once you complete your didactic portion where
11 all that is kind of in the books, you then progress to
12 clinical time in hospital. I can't speak to the hours
13 of the time off my head. I can't remember. But many
14 hours in the hospital, and then you progress to your
15 field ride time, where you are in the back of an ALS
16 ambulance with a preceptor, performing those skills,
17 being evaluated and being watched to make sure you're
18 not causing any harm or going down the wrong treatment
19 pathways.

20 From there, once you complete that, you'll sit
21 for your National Paramedic written. I'm a nationally
22 certified paramedic. So I had to sit that written and
23 then finally a practical examination. And, once you've
24 passed all that, you are certified to be a paramedic.

25 Q And so with respect to your training as far as

1 becoming an EMT and then your training as far as
2 becoming a paramedic, there is sort of a written
3 portion and a practical portion, as well; is that
4 correct?

5 A Correct.

6 Q You used the term in there as far as
7 preceptor. What exactly does that mean within your
8 field?

9 A So a preceptor is a senior paramedic who's
10 been practicing for -- it varies from place to place.
11 But the standard is usually three to five years -- who
12 will watch you to make sure that you're not, like I
13 said, drifting down the wrong path in terms of
14 treatment, making sure that your care is adequate and
15 not doing any harm.

16 My preceptors that I was with, they were
17 medics in the city of Brockton. So they had been
18 around for a little while, and they were excellent in
19 what they did. They taught me quite a bit. I learned
20 quite a bit in my ride time from them.

21 Q And, in your role post getting your
22 certification in regard to those, have you acted as a
23 preceptor for other sort of younger, less experienced?

24 A Yes. So I was a field training officer for
25 Cataldo for a brief stint right before I left the

1 company. And I am currently a field training officer
2 for the town of Canton.

3 Q And, with respect to those certifications, is
4 that sort of like a one-time lesson in perpetuity or is
5 there a continuing educational recertification process?

6 A Right now for the town of Canton, that is a
7 bid position. I submitted an application in writing
8 and I was selected. So I am currently on -- in my
9 group, I am our field training officer for my group,
10 Group 2.

11 Q And my apologies. A poor question on my part.
12 I was asking sort of more in general, so beyond the
13 sort of preceptor sort of faction of that, just in
14 regard to, in general, being an EMT and a paramedic, as
15 far as your certifications are concerned, is that
16 something that you have to continue? Is there any sort
17 of recertification process and how often is that?

18 A Oh. I apologize. Okay. Yes. So every two
19 years, we are required both by the national component
20 and the state component to complete a certain amount of
21 hours per year for your recertification. I actually
22 just recently recertified in March. I can't speak to
23 the exact number of hours, but there is a national
24 component, a state component and a local component.
25 And the trainings are quite in depth.

1 Q Now, turning your attention to your work with
2 the Canton Fire Department, how many fire stations are
3 there within the town of Canton?

4 A We have two fire stations.

5 Q And where are they located?

6 A Station 1 is 99 Revere Street. And Station 2
7 is 7 Sassamon Street.

8 Q And, when you are working with the Canton Fire
9 Department, is there a typical kind of schedule or
10 shift schedule that you're working on?

11 A So my work schedule is I work one 24-hour
12 shift, one 24-hour off, one 24-hour shift on and then
13 five consecutive 24s off.

14 Q And, as far as a 24-hour shift, what time to
15 what time does that run for the Canton Fire Department?

16 A For us, we report at 08:00 to 08:00.

17 Q So 8:00 a.m. to 8:00 a.m.?

18 A Yes.

19 Q Okay. And, within both of those station
20 houses, how much sort of apparatus or how many
21 different sort of vehicles and apparatus do you have
22 within each of those station houses?

23 A For Station 1, 99 Revere Street, we have Car 5
24 staffed with a captain. We have Engine 3 staffed with
25 one lieutenant and two firefighters. And Ambulance 1,

1 who is staffed with two firefighters. We do have a PB
2 waivers and we will run paramedic basic on Ambulance 1.
3 However, that is primarily a double medic ambulance.

4 And for Station 2, it's a very similar setup;
5 that is, Engine 4 with two firefighters and a
6 lieutenant and Ambulance 2 with the same setup as
7 Ambulance 1. Both of those stations also have ladders.
8 They are Ladder 1 and Ladder 2, respectively. And the
9 crews for Ambulance 1 or Ambulance 2 will cross-man
10 those ladders as needed.

11 Q Now, if I could turn your attention to January
12 28th into January 29th, so a Friday, into a Saturday.
13 Do you recall -- 2022. Do you recall those dates?

14 A Yes.

15 Q Were you working one of those two days?

16 A I was scheduled to work the morning of the
17 29th, I believe.

18 Q So you were scheduled to work the morning,
19 8:00 a.m. on the 29th until 8:00 a.m. on the 30th?

20 A Correct.

21 Q Okay. And prior to or the 28th, sort of going
22 into the 29th, what, if anything, were you aware of as
23 far as weather that had been forecasted or that was
24 reportedly coming?

25 A I was aware that there was a significant

1 storm, supposedly. Well, there was a significant storm
2 coming through. I woke up very early that morning just
3 to check. I took a peek outside at my house. I live
4 in the city of Brockton. I noticed that the conditions
5 were -- it was starting to snow a little bit. So I got
6 up early and got ready for work and left earlier than I
7 normally do.

8 Q And about what time -- which station were you
9 assigned to on that day?

10 A I was at Station 11, 99 Revere Street, and I
11 was on Ambulance 1 for the day.

12 Q And about what time did you arrive at Station
13 1?

14 A Due to the inclement weather, I believe I
15 arrived several hours early. I showed up to the
16 station around 5:45, 5:50 that morning.

17 Q And, around the time that you were driving
18 from your home to Station 1 in Canton, what, if
19 anything, did you note as far as sort of the driving
20 conditions, visibility, anything like that?

21 A The snow was starting to accumulate. The
22 roads -- I drove through several towns, but the roads
23 were starting to be treated but they weren't pristine.
24 There was obviously a buildup of snow starting on my
25 ride, which is part of the reason I left early, just

1 either to relieve people if they needed to get out
2 before the storm really hit, or just to help them with
3 snow removal.

4 Q And, to that point, when it comes to sort of
5 snow removal at the fire station, what, if any, sort of
6 duties and responsibilities do yourself and the other
7 firefighters have in relation to snow removal around
8 the station?

9 A So we are responsible around the station to
10 keep what we refer to as the apron clear of snow. The
11 apron is where we back our fire trucks into and out of
12 the station. So we remove all that ourselves. We have
13 a plow truck. However, we'll also shovel walkways and
14 stuff for the public if they need to get in. So that
15 was one of the primary -- that crew was actually
16 outside removing snow when I pulled into the station
17 that morning.

18 Q And it may be pretty self-explanatory, but as
19 far as the apron, itself, why is it so necessary that
20 the apron remain clear as far as snow is concerned?

21 A Just to maintain a path for the emergency
22 apparatus to get in and out in a timely manner.

23 Q Now, beyond sort of the snow accumulation that
24 you noted on your way to work that day, what, if
25 anything else, did you note as far as the weather

1 conditions, whether it be temperature, winds, anything
2 to that effect?

3 A They were approaching blizzard conditions. It
4 was windy. It was still very early in the morning. So
5 it was quite dark, and it was windy and snowing. So we
6 were approaching blizzard conditions, I would say.

7 Q And, when you arrived there, did a call come
8 into your station sometime around or shortly after 6:00
9 o'clock in the morning on the 29th?

10 A Yeah. I arrived, as I previously stated,
11 around 5:50. I put my gear, my firefighter
12 instructional gear out with Ambulance 1 just in the
13 event that there was an emergency. And, as I was doing
14 that, the tones, the emergency tones, went off for a
15 medical.

16 Q Okay. And do you recall what was the report
17 in regard to, what the dispatch was in regard to as far
18 as the medical was concerned.

19 A The overhead dispatch came in as an
20 unresponsive male in a snowbank at 34 Fairview Road,
21 outside, unclear of any further information. So when
22 that came on, we had one of the parameters that morning
23 and one of the firefighters, who was a relatively new
24 firefighter, I made the decision to step on the
25 ambulance to provide an extra set of hands as one of

1 the more senior paramedics in the station at the time.

2 Q And correct me if I'm wrong. When you step
3 onto the ambulance, you're essentially still sort of
4 getting your gear on and getting dressed, right?

5 A Correct. As the tones were going off and
6 because I came in so early, I was still in civilian
7 clothing. I had a Canton Fire tee shirt on. So I
8 actually donned my turnout gear for that call.

9 Q And, as far as the other individuals on that
10 Ambulance 1 that were going to that call, as well, who
11 were they?

12 A So it was Firefighter/Paramedic Anthony
13 Flematti and Firefighter/EMT Matt Kelly.

14 Q And, Mr. Kelly, he was sort of the less
15 experienced one at that time; is that correct?

16 A Correct.

17 Q So you get into the back of the ambulance and
18 start going to the scene.

19 Now, as far as other sort of vehicles or
20 apparatus, who, if anyone, or what, if any other sort
21 of vehicles, were dispatched on this call, as well?

22 A The initial dispatch was Canton Engine 3 and
23 Canton Ambulance 1. Due to the severity of the call,
24 depending on how it comes in, the shift commander,
25 which is Car 5, he will usually respond to any

1 significant incident. So he also added himself to the
2 call just as a senior officer with us. So the final
3 dispatch, I believe, is Car 5, Engine 3, Ambulance 1.

4 Q And do you know who was on Engine 3 and who
5 was in Car 5?

6 A Car 5 was Captain Robery. Engine 3 was
7 Lieutenant Greg Woodbury, Firefighter Frank Walsh and
8 Firefighter Katie McLaughlin.

9 Q And, as far as the Ambulance 1 that you were
10 in, obviously, there's somebody driving and there's
11 somebody in the front passenger seat, correct?

12 A Correct.

13 Q So who was driving and who was in the front
14 passenger seat?

15 A I don't want to speak out of turn. I honestly
16 can't tell you who was driving. I was in the back. I
17 was in the back patient compartment of the ambulance
18 just because there's only two seats up front. So I
19 hopped in the back.

20 Q Okay. So when you were in the back of the
21 ambulance and you're going to the call, what is it that
22 you're doing in sort of preparation for arrival there?

23 A So as I previously stated, I was -- I came in
24 early. So I was donning my turnout gear. I had my
25 boots and structural firefighting pants on. So I

1 finished putting those on and I put the rest of my gear
2 in the back. And, as we were driving to the scene of
3 the incident, I started prepping the gear that we were
4 going to need off the initial dispatch, an unresponsive
5 male in the snow.

6 So I grabbed our first-in bag, which has
7 miscellaneous medical supplies; some I.V. supplies and
8 intraosseous drill kit; the airway bag, which has just
9 a bottle of oxygen and then quite a bit of airway
10 management supplies; and our cardiac monitor.

11 So I had all of those prepped out and ready to
12 go so as soon as the ambulance was in park, we could
13 step right out, ascertain what we had and go from
14 there. So when the ambulance arrived on scene, I had
15 all three of those bags on my person, and we were able
16 to, the entire ambulance crew was able to, step out and
17 provide patient care.

18 Q And as far as if you know, approximately how
19 much time elapsed between the time that you hear sort
20 of the sound go off and you get in the ambulance to the
21 time that you arrive on scene on Fairview?

22 A I couldn't give you an accurate estimation of
23 the time. Like I said, I was in the back. I was
24 trying to prep everything and get myself kind of
25 prepped, just in terms of appropriate. So I couldn't

1 give you a fair estimate.

2 Q And, as far as when you arrive on scene, you
3 step out of the back of the ambulance; is that correct?

4 A Yes.

5 Q Okay. And, as far as the weather conditions
6 where you were on Fairview, what, if any, difference
7 was there between the weather conditions there versus
8 the weather conditions when you were arriving at the
9 station?

10 A As I previously stated, I remember it was
11 still very dark. The sun was not up yet. I remember
12 the wind. It was quite windy that morning. The wind,
13 in my opinion, seemed to have picked up since my drive
14 in, and the snow was increased.

15 Q So when you step out of the ambulance, can you
16 describe for the jury sort of where you're going and
17 sort of what is it that you first see when you get out
18 there?

19 A So I stepped out of the ambulance and came
20 around with all three bags. I could hear a commotion.
21 I could hear some screaming off in the distance. I
22 couldn't really tell you where it was coming from
23 because it was still quite dark.

24 I came around the passenger side of the
25 ambulance, walked in front of the ambulance and there

1 was a small huddle of three individuals and what
2 appeared to be a human form laying in the snow. So we
3 made our way over to that and went from there.

4 And, when you come around the passenger side
5 of an ambulance and you observe them, are you sort of
6 turning left or right or how were you heading when you
7 come around the ambulance?

8 A I came out of the ambulance on the passenger
9 side and I took a left.

10 Q And you make your way over to the patient on
11 the ground; is that correct?

12 A Correct.

13 Q And, as far as the other people you observed
14 around the patient, how would you -- or what, if any,
15 description do you have of those people?

16 A There were three individuals. I believe all
17 three of them were female. My primary focus was the
18 individual in the snow on the ground. I went right to
19 him. I kind of bypassed everybody from there and went
20 directly to that individual.

21 Q Is that sort of typically how you approach a
22 scene, is just sort of tunnel vision right for the
23 patient?

24 A Typically on a call like that if somebody is
25 unresponsive on the ground, you typically go directly

1 to the patient and ascertain any -- if they are
2 breathing and if they have signs of life, because that
3 is a time-sensitive matter.

4 Q And, as far as the individual, not then but at
5 some point subsequent, did you learn the identity of
6 the person on the ground?

7 A I did. It was Officer O'Keefe, John O'Keefe.

8 Q And how was Officer or Mr. O'Keefe's body
9 positioned in relation to the ground when you first
10 approached him?

11 A So I found him supine, laying in the snow. I
12 immediately went to him and checked him for signs of
13 life. We found none. We found no breathing, no pulse.
14 So we immediately began performing high-quality CPR. I
15 was at the head of the individual. So I immediately
16 grabbed out of our airway a bag valve mask and began
17 ventilating the patient, trying to get some oxygen into
18 him while the others on scene, like I said, began high-
19 quality CPR.

20 Q And, again, it may be pretty well understood,
21 but when you use -- you used the term "supine." What
22 exactly do you mean by that?

23 A He was laying on his back.

24 Q Okay. So laying on his back, his head sort of
25 facing up; is that correct?

1 A Correct.

2 Q And when you are responding to a call of this
3 nature, there's you and there's other individuals on
4 the ambulance, as well, correct?

5 A Correct.

6 Q Okay. And is there a certain division as far
7 as treatment and diagnosis and things of that nature
8 are concerned between you and the other people on the
9 ambulance?

10 A So typically, just to use the scenario of a
11 cardiac arrest with two paramedics, it's generally
12 split into the airway individual or the airway monitor,
13 and, for lack of a better term, code monitor.

14 The airway individual will be responsible for
15 ventilation and eventually advanced airway placement.
16 The other part of that equation will monitor cardiac
17 status, cardiac activity. They will deliver
18 medications and a route for those medications. And
19 they will work together to monitor that patient
20 throughout.

21 As I said, I was on the head. I just happened
22 to fall at the head. So I took the ventilation portion
23 of that.

24 Q And you used a term as far as bag valve mask;
25 is that correct?

1 A Yes.

2 Q And can you explain to the jury sort of what
3 that is?

4 A All that is, is it's -- for lack of a better
5 term, it's basically a glorified balloon with a mask on
6 it. When you squeeze that bag, that forces air into
7 the airway so you can ventilate an individual who is no
8 longer breathing on their own.

9 Q And, as far as, obviously, with your work with
10 the fire department, there are sort of records or
11 reports that are written in regard to treatment of
12 different individuals on any given call, correct?

13 A Correct.

14 Q And is there an acronym that is used within
15 those reports as far as bag valve mask?

16 A BVM.

17 Q BVM. Okay.

18 And turning back to sort of when you initially
19 approached where Mr. O'Keefe is, if you know, about how
20 far away from -- where is he in relation to -- well,
21 let me back up just a little bit.

22 A Okay.

23 Q So you arrive at this residence at 34 Fairview
24 Road, correct?

25 A Yes.

1 Q So if I'm standing on the street and I'm
2 facing Fairview Road, is Mr. O'Keefe's body to the
3 left, to the right, center or something else?

4 A I would say to the left of center.

5 Q And what, if anything, did you sort of note or
6 observe sort of in the general area as far as where
7 Mr. O'Keefe was?

8 A In terms of when I got to him?

9 Q Yes.

10 A So when I first got to him, we checked for
11 signs of life, and I, as stated, was at the head.
12 There was a small pool of blood that seemed to be
13 underneath him. It was hard to ascertain, again,
14 because of the conditions. It was still very dark. It
15 was snowing and it was quite windy. So we were able to
16 check the area as best we could with our handheld
17 lights. But that was one of the things that I had
18 noted, that there was a pool of blood.

19 Q Now, where Mr. O'Keefe's body was in relation
20 to the roadway, if you know, about how far away --
21 where was it in relation to the roadway, if you know?

22 A I estimated it about where the sidewalk met
23 the front lawn of that residence. That would be my
24 best estimation.

25 Q Okay. Do you have any estimation as far as

1 footage or anything like that?

2 A I would say about six, eight feet, perhaps.

3 Q So approximately six to eight feet from the
4 curb?

5 A Correct.

6 Q So you indicated that -- so what are the first
7 things you're checking as far as when you first arrive
8 at a patient for this kind of call?

9 A I'm sorry. Can you repeat?

10 Q That's okay. That's okay. It's my fault.

11 So as far as when you -- let me back you up
12 for just one second.

13 You used the term in there as far as a cardiac
14 arrest, correct?

15 A Correct.

16 Q Okay. Can you explain to the jury what you
17 understand that term to mean based on your training and
18 experience?

19 A So a cardiac arrest is the cessation of a
20 stable cardiac rhythm in terms of life. Typically it's
21 either asystole, pulses of electrical activity, or V-
22 fib or V-tach. Typically, you ascertain that by there
23 is no pulse. You check any of the pulses, be it
24 femoral pulse or carotid pulse or radial pulse. You
25 will find nothing. And, when that is found, you go to

1 lifesaving measures, which is CPR.

2 Q And, just in reference to one other term you
3 used in there as far asystole, could you explain to the
4 jury what you understand that term to mean based on
5 your training and experience?

6 A Asystole, to put it as clear as I can, is a
7 flatline. There is no electrical activity in the
8 heart.

9 Q And so you're working sort of at the head of
10 Mr. O'Keefe; is that correct?

11 A Correct.

12 Q Okay. And sort of while he's still on the
13 ground, what is it that you're specifically sort of
14 doing in reference to your treatment at that point?

15 A So I was -- as we talked about it earlier, I
16 had a BVM, bag valve mask, and I had Mr. O'Keefe -- I
17 was ventilating him. So I had the mask on his face and
18 I was giving him positive pressure breaths with that
19 BVM.

20 Q And, as you are doing that, what, if anything
21 else, did you observe beyond sort of the blood pooling
22 you've already talked about as far as any tactile
23 observations you made of Mr. O'Keefe, any visual
24 observations you made of Mr. O'Keefe at that point
25 outside of the ambulance?

1 A He was dressed for the weather. He had
2 several layers on. Other than that, our primary focus
3 was kind of getting him extricated and out of the
4 elements, just because there was -- as stated,
5 conditions were sub-optimal and we wanted to get him
6 into an environment with better lighting and some heat
7 so we could further assess if he had any injuries and
8 go from there.

9 Q And so the other firefighters and paramedics
10 that are on the ambulance with you, while you're doing
11 sort of the bag valve mask at his head, what, if
12 anything are they doing?

13 A I believe the other firefighters that were
14 dispatched, they were getting extrication equipment. I
15 believe we put this individual on what we refer to as a
16 scoop stretcher. It's basically a long plastic
17 stretcher that we can roll an individual onto and then
18 just pick him up just for our safety and the safety of
19 the patient.

20 It's just really just a long board that we can
21 pick up and then put onto our ambulance stretcher. So
22 if somebody was grabbing the scoop stretcher, somebody
23 else was grabbing the ambulance stretcher. And I
24 believe that was a coordinated effort on their part.

25 Q And I apologize as I keep going back and

1 forth. But if I could take you back just one moment
2 before that.

3 A Uh-huh.

4 Q When you first sort of arrived to Mr. O'Keefe,
5 you mentioned that there were three females sort of
6 huddled around; is that correct?

7 A Correct.

8 Q What, if anything, did you observe any of
9 those females doing with respect to Mr. O'Keefe when
10 you first got there?

11 A That group seemed to be agitated. It was a
12 scene of heightened emotions. As I stated, when I
13 stepped out of the ambulance, I could hear screaming.
14 I could hear people yelling. And it seems, just to be
15 -- that group was just quite agitated.

16 Q Now, at some point, you are able to get him on
17 that scoop stretcher and then over to the ambulance,
18 correct?

19 A Correct.

20 Q And, when you get to the ambulance, what, if
21 anything, did you note as far as what, if any,
22 difference was there in the lighting in the back of the
23 ambulance versus on the front lawn?

24 A The lighting was significantly better. All of
25 our ambulances have fluorescent lighting in the ceiling

1 of the ambulances. So those were on and we were able
2 to see there were some more injuries once we were able
3 to get him out of his winter clothing.

4 Q And so to that point when you sort of first
5 get into the back of the ambulance, what is sort of the
6 protocol? What is it that each of you are sort of
7 doing with respect to the patient care at that point?

8 A So the biggest priority is continuous, high-
9 quality CPR. And that is the biggest thing with any
10 cardiac arrest, is uninterrupted of compressions.

11 So when we got him into the back of the
12 ambulance, we continued CPR throughout. So while
13 multiple people were performing CPR and eventually a
14 mechanical CPR device was applied, those compressions
15 were uninterrupted. And others were removing clothing,
16 removing -- I honestly couldn't tell you the number of
17 articles of clothing. But I believe a winter jacket
18 and a sweatshirt were removed. And then eventually all
19 the clothing was removed. And that's protocol for any
20 cardiac arrest or any traumatic injury usually all
21 clothing is removed so we can have unfettered access to
22 the individual to see if there are any other injuries.

23 Q And why is that protocol, sir?

24 A Just -- you mentioned earlier, sir, that there
25 is tunnel vision. The absence of clothing kind of

1 helps to remove that so you can see everything. You
2 can assess everything.

3 Q And you mentioned sort of a mechanical means
4 of CPR. Is there a specific device that's used for
5 that?

6 A Yes. We use a Lucas device manufactured by
7 Stryker. And, for lack of a better term, it's
8 basically just a plunger that does CPR. It frees up a
9 set of hands for us, and that can provide CPR
10 uninterrupted as long as the batteries last.

11 Q Now, at the time that you get Mr. O'Keefe into
12 the back of the ambulance and you're removing some of
13 the clothing, what, if anything, did you note at that
14 time or at any subsequent time with regard to footwear?

15 A To be candid, I wasn't really looking at the
16 footwear. I believe it was brought to my attention
17 when we eventually transferred patient care to Good
18 Samaritan Medical Center that the individual was
19 missing a shoe. However, that wasn't my primary focus
20 at that time.

21 Q And the items of clothing that were removed
22 from within the ambulance, eventually when you transfer
23 that patient care to the hospital, what, if anything,
24 happens with that?

25 A In terms of the chain of custody of the

1 clothing?

2 Q Yes.

3 A That is typically brought in either with the
4 individual or after. And that is usually deposited on
5 the floor of the room where that patient is, and then
6 the hospital takes custody of it. Occasionally, we'll
7 put it in bags. However, I could not speak to where
8 that clothing went on this case.

9 Q Okay. But fair to say whatever clothing was
10 taken off in the ambulance left the ambulance at some
11 point, correct?

12 A Correct.

13 Q Okay, and went to the hospital; is that
14 correct?

15 A Yes.

16 Q Now, when you have Mr. O'Keefe in the back of
17 the ambulance and the lighting is better, what, if
18 anything, did you observe following sort of the removal
19 of the clothing as far as what, if any, injuries did
20 you observe to Mr. O'Keefe in that sense?

21 A He was noted to have -- and I was right at the
22 head. He was noted to have a hematoma on the right
23 side of his face, just above his eye on his forehead.
24 And there was scratches on the right arm, the upper
25 arm.

1 Q And you used the term as far as a hematoma.
2 Could you explain what you understand that term to
3 mean?

4 A For lack of a better term, it's just an egg.
5 He had a pretty good egg on his head.

6 Q And, as far as anything beyond that, did you
7 observe anything or note anything beyond the egg on the
8 head and the scratches on the right arm?

9 A As we got further down our treatment modality,
10 we went to advanced -- we placed an advanced airway.
11 He was noted to have some blood, some mucous and some
12 bile in the back of his airway that was then suctioned
13 out before we placed our endotracheal tube.

14 Q And what is an endotracheal tube?

15 A So an endotracheal tube is -- it's just a
16 plastic tube that is passed through the mouth, into the
17 trachea through the vocal cords. It's a definitive
18 airway, if you will. It isolates the trachea so you
19 can better ventilate your patient and you don't have to
20 worry about any air getting into the stomach, any
21 gastric infiltration. And that is the gold standard
22 First Offender cardiac arrest, is a properly placed
23 endotracheal tube.

24 Q You mentioned that was some substances
25 suctioned from the airway; is that correct?

1 A Correct.

2 Q And what were they again? I'm sorry.

3 A I believe it was blood, bile and mucous.

4 Q And do you have any idea how much of that was
5 suctioned?

6 A I couldn't give you an exact number, but it
7 was enough that we needed to set up a suction system to
8 remove it before we intubated.

9 Q And, just turning briefly again to the arm,
10 these were injuries that you observed on his right arm;
11 is that correct?

12 A Correct.

13 Q What, if any, injuries did you observe on his
14 left arm?

15 A I don't believe I saw any, to my knowledge.

16 Q And, as far as your memory as far as his right
17 arm, how far did it sort of extend and where was it
18 located? Sort of upper arm or lower arm or both or
19 where was it?

20 A I believe it was just below his shoulder.
21 They ran, I would say, probably three or four inches
22 from, I would say, about the shoulder, right down to
23 maybe two inches above the elbow.

24 Q And, as far as Mr. O'Keefe's note, what, if
25 any, observations did you make of that, as well?

1 A Initially, it was noted to be very cold. The
2 individual was cold all around to the touch, but his
3 nose was also quite cold, quite white, just because he
4 had been in the elements for a little while. There
5 appeared to be a little bit of blood on his nose, as
6 well.

7 Q Through your training and experience, are you
8 familiar with a term or a device known as an OPA?

9 A Correct. Yes.

10 Q And can you explain to the jury sort of what
11 OPA stands for and what is that device and what does it
12 do?

13 A So an OPA or an oropharyngeal airway, is
14 basically a small plastic device that's curved. And,
15 when inserted into the mouth, all it does is it
16 prevents the tongue from falling backwards into the
17 airway and occluding the airway. It's relatively
18 simple, but it's very effective in keeping an airway
19 open.

20 Q Turning back for one moment to the injuries
21 that you observed on Mr. O'Keefe's right arm, were
22 those injuries that were actively bleeding at the time
23 that you observed them?

24 A No.

25 Q And what, if anything, did you observe as to

1 that in reference to those injuries on the arm?

2 A Those injuries seem to have been congealed.
3 In my opinion, it looked like they had been cold, which
4 could of aided in the clotting of those injuries. But,
5 when we observed them, they were not bleeding.

6 Q And you mentioned a little bit about
7 Mr. O'Keefe's nose. What, if any, observations did you
8 make as far as any sort of digits, whether they be his
9 hand, his feet or something else?

10 A So all of his digits on the upper extremities
11 were noted. They were very cold. They were immobile.
12 They were very stiff, I am presuming due to the
13 exposure, because we did, when we got him onto the
14 ambulance and we were removing clothing, it was noted
15 that he was very -- all of his digits were very stiff.
16 They were immobile, and it caused a little bit of
17 problems just trying to get clothing off of him just
18 because they were so stiff.

19 Q And, taking you back outside of the ambulance
20 just for a moment when you're sort of initially there
21 and you're doing your assessment and the three females
22 are in your general area. Correct?

23 A Correct.

24 Q Okay. And, at some point, did you or any of
25 the other paramedics or EMTs on scene ask them any

1 questions about what had happened or anything like
2 that?

3 A So as I was ventilating at the head, there was
4 a small delay in just getting equipment, nothing
5 significant. Just enough time that as I was
6 ventilating, I was able to ask did anybody see
7 anything, did anybody -- what happened? And there was
8 one individual that replied several times, I hit him.
9 I hit him.

10 Q And did you know that individual at that time?

11 A I did not.

12 Q Can you describe the individual that said
13 that?

14 A I would describe her as mid-40s, average
15 build, average height and the other two very similar.

16 Q And with reference to that statement of "I hit
17 him," is that something that she said once or more than
18 once or something else?

19 A It was several times.

20 Q And, as far as the tone or demeanor, how
21 loudly was this being said?

22 A As previously stated, it was -- they seemed to
23 be erratic. There was a lot going on in that scene.
24 It did seem to be said over and over and at varying
25 volumes. And then there was just a lot of -- everybody

1 appeared to be quite flustered.

2 Q And the individual, one of the three females
3 that said that, what, if any observations did you make
4 as to her face or anything like that?

5 A The individual that said, I hit him, I hit
6 him, appeared to have some blood on her face,
7 presumably for attempting CPR prior to our arrival.

8 Q And you say "presumably attempting CPR." When
9 you first arrived at Mr. O'Keefe, what, if anything,
10 did you observe any of the females doing with reference
11 to Mr. O'Keefe?

12 A Mr. O'Keefe was not being touched by any
13 individual when I first got to him. That whole group
14 was kind of pacing around, for lack of a better term,
15 kind of running around in circles. But Mr. O'Keefe was
16 not being -- there was no interventions being done to
17 Mr. O'Keefe when I got to him.

18 Q To be clear, sort of when you're in the back,
19 fast-forwarding now to sort of in the back of the
20 ambulance, you're, again, sort of focused on the
21 respiratory and the head, correct?

22 A Correct.

23 Q And who, if anyone else, from your apartment
24 is in the back of the ambulance and what, if anything,
25 are they doing at that point?

1 A So at that point, I had myself and Matt Kelly,
2 EMT Kelly. He was kind of with me for the head. One
3 of the, for lack of a better term, one of the easier
4 operations of cardiac arrest is ventilation. So
5 Matt Kelly was assisting me with ventilations, just
6 squeezing the BVM to provide ventilation.

7 The lead paramedic for the cardiac arrest was
8 Anthony Flematti. He was running everything else. He
9 was running the application of the cardiac monitor. He
10 was monitoring the status of medications being
11 administered. He was assisted with that by Katie
12 McLaughlin, Lieutenant Woodbury and Firefighter Walsh.

13 Q And, at some point, did Firefighter Flematti
14 -- at this point that you're in the back of the
15 ambulance, you don't have any sort of demographic
16 information in regard to your patient, correct?

17 A Correct.

18 Q So what, if anything, did Firefighter Flematti
19 ask anybody else to do in regard to obtain it?

20 A I believe he asked Firefighter McLaughlin to
21 exit the ambulance and gather some information from the
22 bystanders in terms of name, date of birth, any
23 significant medical history or medications just so we
24 could further treat the patient.

25 Q And, to the best of your knowledge, did

1 Firefighter McLaughlin leave the ambulance to do that;
2 is that correct?

3 A Correct.

4 Q But you weren't present for any of that,
5 correct?

6 A No.

7 Q So there is some period of time in the back of
8 the ambulance and then transport to Good Samaritan
9 happens; is that correct?

10 A Correct.

11 Q Do you recall where different people from your
12 department were in relation to that transport to the
13 hospital?

14 A So the transport in the back of the patient
15 compartment was myself, Firefighter Kelly and
16 Firefighter Flematti with Firefighter McLaughlin
17 driving Ambulance 1.

18 MR. LALLY: If I may have just one moment,
19 Your Honor?

20 THE COURT: Yes.

21 BY MR. LALLY:

22 Q And so when it comes to the report that we
23 were -- that you were testifying about before, there
24 was a report generated in regard to this; is that
25 correct?

1 A Correct.

2 Q And who has the sort of duty and
3 responsibility of compiling that?

4 A That would have been Anthony Flematti.

5 Q And have you seen Firefighter Flematti's
6 report in relation to this incident?

7 A I have.

8 MR. LALLY: May I approach the witness, Your
9 Honor?

10 THE COURT: Yes.

11 BY MR. LALLY:

12 Q Sir, I'm showing you a document and ask you
13 just to review that for a moment and look up when
14 you're finished.

15 A All right. (Witness complies.)

16 Q Do you recognize that, sir?

17 A I do.

18 Q And what do you recognize that to be?

19 A This is what I believe to be? This is what I
20 believe to be the NFIRS report written by Captain
21 Robery and the patient care report written by
22 Firefighter Flematti.

23 Q Thank you, sir.

24 MR. LALLY: May I approach, Your Honor?

25 THE COURT: Yes.

1 MR. LALLY: The Commonwealth would seek to
2 introduce this as the next exhibit. I believe it's
3 160.

4 MS. MC LAUGHLIN: It's already premarked or --

5 THE COURT REPORTER: No. No.

6 MR. LALLY: It's not.

7 THE COURT: Is there an objection?

8 MR. JACKSON: May I have just a moment, Your
9 Honor?

10 THE COURT: Okay.

11 MR. JACKSON: No objection, Your Honor.

12 THE COURT: That will be marked, then, Madam
13 Court Reporter, please.

14 (Whereupon, patient care report was entered and
15 marked Exhibit No. 160 in Evidence.)

16 THE COURT REPORTER: No. 160.

17 MR. LALLY: Mr. Officer, if I could ask for
18 the lights to be dimmed just a little? And,
19 Ms. Gilman, if I could have what's been previously
20 marked as Exhibit No. 9?

21 BY MR. LALLY:

22 Q Mr. Nuttall, just directing your attention up
23 to the screen there and what's been previously marked
24 as Exhibit No. 9, do you recognize what's depicted in
25 that photograph?

1 A I do.

2 Q And what do you recognize that to be?

3 A I believe that to be 34 Fairview Road.

4 Q And is that a relatively fair and accurate
5 portrayal of what it looked like around the time that
6 you arrived there absent sort of lighting conditions
7 and things of that nature?

8 A Yes.

9 MR. LALLY: Ms. Gilman, if I could have
10 Exhibit No. 18?

11 May I approach the witness, Your Honor?

12 THE COURT: Yes.

13 BY MR. LALLY:

14 Q Sir, there should be -- so basically that
15 button on top there and point at that screen.

16 A All right.

17 Q Now, if I could ask you, using that laser
18 pointer before you -- well, first, let me ask, do you
19 recognize what's up on the screen as Exhibit 18?

20 A Yes. Again, 34 Fairview Road.

21 Q And the area where you first observed
22 Mr. O'Keefe supine on the lawn and the three females
23 around him, do you see that area in this photograph?

24 A I do.

25 Q And, if you could, using that laser point,

1 just direct the jury's attention to where in this
2 photograph you've seen that area?

3 A I would say right around this general area.
4 Right about here.

5 MR. LALLY: And, lastly, Ms. Gilman, if I
6 could have Exhibit No. 14?

7 BY MR. LALLY:

8 Q And, again, sir, do you recognize what's up on
9 the screen as Exhibit No. 14?

10 A I do.

11 Q And what do you recognize that to be?

12 A That I believe to be is where we found
13 Mr. O'Keefe.

14 Q And, as far as the pooling of the blood that
15 you observed around Mr. O'Keefe's head, do you observe
16 that area within this photograph, as well?

17 A Yes.

18 Q Okay. And if you could, again using that
19 laser pointer, just direct the jury's attention to
20 where in this photograph you observed that?

21 A I'd say right around in this general area. In
22 there.

23 Q Thank you, sir.

24 MR. LALLY: Mr. Officer, we can have the
25 lights back up.

1 Your Honor, may I approach just to retrieve
2 that?

3 THE COURT: Yes.

4 MR. LALLY: I have no further questions for
5 this witness at this time.

6 THE COURT: Cross-examination?

7 MR. JACKSON: Thank you, Your Honor.

8 CROSS-EXAMINATION

9 BY MR. JACKSON:

10 Q Good afternoon, Firefighter Nuttall.

11 A Sir. How are you?

12 Q You were coming -- I want to make sure I get
13 the timing right. You were coming off nearly a 24-hour
14 shift when you got the call?

15 A No, sir. I was reporting for duty that
16 morning.

17 Q Just starting the shift when you got the call?

18 A Correct.

19 Q Understood. I want to ask one quick question
20 that you mentioned just a couple of seconds ago under
21 question by Mr. Lally.

22 With regard to the clothing, the normal
23 protocol for clothing that's removed from a patient --

24 A Yes.

25 Q -- you said it's oftentimes just sort of

1 discarded onto the floor?

2 A In terms of in the ambulance or at the
3 hospital?

4 Q Either one.

5 A Yes.

6 Q Okay. Both?

7 A So typically, when we remove clothing in the
8 back of the ambulance, it's generally done with trauma
9 shears. So we will expose and then kind of fold over.
10 That clothing is then usually left in place. We will
11 do a quick roll just to check the back of the patient.
12 And then he's usually rolled back if there is nothing
13 found and that's typically left there.

14 In terms of like big, puffy jackets, if you
15 cut a puffy jacket, it just makes quite the mess.

16 Q It's like a pillow?

17 A Yes. Exactly.

18 Q Right.

19 A It's a disaster. So typically those bigger
20 jackets are just removed, and that is when we removed
21 that type of article of clothing, that's when we
22 noticed that his hands were quite rigid.

23 Q So that's what happened in this case. You
24 remove the big, heavy jacket.

25 A Yes, sir.

1 Q You discard it and got it away from the body
2 so you could better assess the injuries?

3 A Correct.

4 Q And it was only then, after you removed this
5 big, heavy winter coat that you could assess that his
6 hands were stiff and cold?

7 A We noted the hands. But they came more into
8 light, if you will, when we removed that coat.

9 Q Got it. And you have as good a memory about
10 that as you do the rest of the scene that morning?

11 A In terms of removing the article of clothing?

12 Q Correct.

13 A I did not remove any article of clothing. I
14 was ventilating.

15 Q But you remember him having the big jacket on?

16 A Correct.

17 Q Okay. And you remember that as well as you
18 remember the other specifics of the incident?

19 A Yes.

20 Q Okay. When responding to a scene -- I want to
21 dovetail on the same subject but just come at it a
22 little bit if you'll indulge me.

23 When responding to a scene, one of your jobs
24 has to be to sort of immediately take note of and
25 assess the situation of the patient that you're dealing

1 with, correct?

2 A Correct.

3 Q Motorcycle accidents can be very different
4 than a drowning?

5 A Exactly.

6 Q Someone in this case exposed in a snowbank
7 you're going to deal with or assess and note the
8 weather, correct?

9 A Uh-huh.

10 Q Is that yes?

11 A Yes.

12 Q You're also going to note and assess the
13 condition of a patient --

14 A Correct.

15 Q -- as it pertains to the weather?

16 A Yes.

17 Q So someone, for instance, that's in a
18 snowbank, naked, no clothes on at all, is going to be a
19 little different assessment than someone who is
20 completely dressed for winter, correct?

21 A The initial assessment, but every patient is
22 going to be automatically circulation airway breathing.

23 Q Understood.

24 A We approached this individual the exact same
25 way. We automatically went directly to cardiac.

1 Q I guess what I'm asking is your attention is
2 focused on some of those details for sure?

3 A Correct.

4 Q And that's how you remember that big, heavy
5 coat that he was wearing, correct?

6 A I remember he was properly dressed.

7 Q Okay. As a matter of fact, you testified to
8 that in the grand jury that quote, unquote, "he had a
9 heavy coat on"?

10 A Yes.

11 Q Consistent with how you're testifying today;
12 is that right?

13 A Correct.

14 Q All right.

15 MR. JACKSON: Your Honor, I'd like to mark two
16 photographs as the next in order. These have not
17 yet been marked. I believe it would be 160 --

18 THE COURT: It doesn't matter so much the
19 number. Why don't you just show the prosecutor the
20 photos.

21 MR. JACKSON: One sixty-one and 162, in order.
22 May I approach?

23 THE COURT: Yes.

24 BY MR. JACKSON:

25 Q Look at those. I'm going to ask you, first of

1 all, whether or not you recognize what's depicted in
2 those photos?

3 A Honestly, sir, I couldn't recall the exact,
4 but yes.

5 Q You do recognize them?

6 A Yes.

7 Q Does that appear to be what John O'Keefe was
8 wearing when you found him?

9 A I don't recall, sir, to be perfectly honest.

10 MR. JACKSON: May I approach, Your Honor?

11 THE COURT: Yes.

12 BY MR. JACKSON:

13 Q Do you recall this being part of -- let me ask
14 it a different way. Do you remember somebody cutting
15 this off of John O'Keefe at the time?

16 A I remember the clothing being removed.

17 Q Okay. But you don't remember this clothing?

18 A I could say that he had clothing removed, but
19 I couldn't tell you exactly what it was.

20 Q And you've just looked at these. This, what
21 I'm holding in my hand, appears to be the front and
22 back of a thin --

23 THE COURT: So don't hold it up to him from
24 that distance where he said he doesn't recognize
25 it. You can put it back in front of him. Don't

1 hold it up for the jury, please.

2 MR. JACKSON: May I approach?

3 THE COURT: Yes.

4 BY MR. JACKSON:

5 Q Does that appear to be a thin, cotton hoodie?

6 A Yes. That appears to be a thinner layer of
7 clothing.

8 MR. JACKSON: May I approach?

9 THE COURT: Yes.

10 BY MR. JACKSON:

11 Q Not a heavy coat. Is that fair?

12 A Fair.

13 Q It's not a winter jacket?

14 A Fair.

15 Q Is it fair to say you had a lot on your mind
16 when you were out at that scene, correct?

17 A In terms of --

18 Q Saving a man's life?

19 A Correct.

20 Q And your credentials are impressive. You were
21 there, focused on one thing; and, that is, trying to
22 make sure that a man did not die?

23 A Correct.

24 Q Would you agree that that was your primary
25 concern and your primary focus the entire time you were

1 at the scene?

2 A Correct.

3 Q You weren't necessarily worried about what
4 other individuals were doing, correct?

5 A No.

6 Q If I asked you right now off the top of your
7 head, tell me exactly the number of law enforcement
8 officers that were there at the scene, you probably
9 couldn't tell me, could you?

10 A No.

11 Q If I asked you whether or not you remember
12 every single civilian that was at the scene, you
13 probably couldn't tell me, correct?

14 A Outside of the three?

15 Q Outside of the three.

16 A Correct.

17 Q Any other civilians?

18 A Not that I noted.

19 Q Okay. As a matter of fact, you can't even
20 identify the three civilians other than generally
21 middle aged, forties, Caucasian, female?

22 A Correct.

23 Q You said all three of them sort of looked
24 alike, right?

25 A The only defining feature on one of the

1 individuals was one of the individuals did have blood
2 on their face.

3 Q So some of the specifics of that scene you
4 didn't pay special note to, correct?

5 A No. We were focused on the patient care.

6 Q Is it fair to say that as it pertains to what
7 the victim was wearing, your memory might be a little
8 faulty where that's concerned?

9 A Sure.

10 Q Okay. I mean, nothing wrong with that. You
11 were focused on something complete different?

12 A Correct.

13 Q You did notice certain injuries on
14 Mr. O'Keefe's person, correct?

15 A Correct.

16 Q And you indicated on direct examination that
17 once you got him into the back of the ambulance, as you
18 put it, you had a, quote, unquote, "much better"
19 picture of what you were dealing with; is that right?

20 A Correct.

21 Q You testified that you noted that once he was
22 in the back of the ambulance under better lighting, you
23 were able to tell that he had trauma to the right side
24 of his head; is that right?

25 A Yes.

1 Q Are you talking about the major trauma that he
2 suffered to the back of his head or the egg that you
3 earlier described?

4 A I was more, just because it was directly in
5 front of me, it was on the front side of his head.

6 Q Okay. So it wasn't the right side of his
7 head. If you said "right side of your head," you might
8 be pointing above your ear, right?

9 A Correct. Yes.

10 Q That's not where you're talking about?

11 A To use my person, I would say right here
12 (indicating). So more towards the right, above his
13 right eye.

14 Q Right of center but still on the front of his
15 head?

16 A Correct.

17 Q And you did not make any note of another
18 injury on the back of his head?

19 A No.

20 Q You talked about the injuries to the right
21 side of his arm, correct?

22 A Correct.

23 Q You noted that those injuries appeared to be
24 scratches?

25 A Yes.

1 Q That's your word, not mine, correct?

2 A Correct.

3 Q You didn't say that those were blunt force
4 trauma?

5 A No.

6 Q You didn't say that they were abrasions?

7 A Scratches and abrasions, in my point of view,
8 seem to go hand in hand.

9 Q But the word that you used was scratches?

10 A Yes. They looked like furrows.

11 Q Say that again?

12 A Furrows, if you will, for lack of a better
13 term. Just --

14 Q I don't understand that word.

15 A So if you remove something, you create a
16 furrow in the skin.

17 Q Yes. Furrows.

18 A There you go. Yes. Sorry. Excuse my accent.

19 Q No, no, no, no. I'm on your turf. It's my
20 accent. I'm so sorry. Boy, that one -- there's going
21 to be meme somewhere.

22 A Hey, My Cousin Vinny.

23 Q Yes. Got it.

24 All right. So when you said "furrows," you
25 made your hand in almost like a claw and dragged it

1 against your right biceps?

2 MR. LALLY: Objection.

3 THE COURT: Sustained.

4 BY MR. JACKSON:

5 Q Can you repeat the movement that you did for
6 the jurors when you said "furrows"?

7 MR. LALLY: Objection.

8 THE COURT: Sustained. Let's move on to the
9 next question.

10 BY MR. JACKSON:

11 Q You would agree that a very common cause of a
12 hematoma over one's eye is being hit or punched?

13 A Correct.

14 Q Is that right?

15 A Yes.

16 Q You said that Mr. O'Keefe did have such a
17 hematoma over his right eye, correct?

18 A Yes.

19 Q Did you also see a laceration under the
20 eyebrow but above the lid on his right eye?

21 A I don't recall.

22 Q Did you see a laceration on Mr. O'Keefe's
23 nose?

24 A I don't recall.

25 Q You did note that there was some blood on his

1 nose, correct?

2 A Correct.

3 Q Is it possible that that came from a small
4 laceration?

5 A Yes.

6 Q In your experience -- well, let me ask another
7 question.

8 Did it look like he had, in addition to the
9 egg on the right side of his head in the front, did he
10 also have a black eye on the left side?

11 A If memory serves, correct. Yes.

12 Q So both eyes were blackened?

13 A Primarily the right side, if memory serves.

14 Q Okay. And the laceration toward the right
15 side --

16 A Yes.

17 Q -- over the right eye.

18 Are those injuries that you've just described
19 consistent or inconsistent with some sort of physical
20 altercation?

21 MR. LALLY: Objection, Your Honor.

22 THE COURT: Sustained. Next question, please.

23 BY MR. JACKSON:

24 Q Did it appear to you just from your initial
25 assessment, given your experience, training and

1 background, that those injuries looked like he had been
2 in a fight?

3 MR. LALLY: Objection.

4 THE COURT: I'll see counsel at sidebar.

5 (Whereupon, there was a sidebar conference as
6 follows:)

7 THE COURT: What is the objection?

8 MR. LALLY: I don't know whether this witness
9 has the basis of knowledge to document causality as
10 it comes through injuries that he observed.

11 THE COURT: So if you can build a foundation,
12 you can do that. And don't ask for demonstrations
13 or having him repeat something. It's only one
14 time.

15 MR. JACKSON: I don't understand what the
16 Court's issue is. If people didn't pay attention
17 to it, then I --

18 THE COURT: Are you pointing your finger at
19 me?

20 MR. JACKSON: No. I'm pointing my finger at
21 the jurors. If the jurors do not see what he did
22 -- there is nothing argumentative about saying,
23 what did you do? I want to make sure everybody saw
24 what he did.

25 MR. LALLY: I'm not sure --

1 THE COURT: They've seen it once.

2 MR. JACKSON: I don't know that they've seen
3 it once.

4 THE COURT: Well, that's --

5 MR. JACKSON: As a matter of fact, they did
6 see it once.

7 THE COURT: I was watching. It was good
8 enough and it wasn't enough to respond to it with
9 demonstrations.

10 MR. JACKSON: Fair enough. Your Honor, just
11 to dovetail off of what Mr. Lally indicated, this
12 witness testified that for about the first 30
13 minutes of his testimony about his extensive
14 medical background. I feel like it's a waste of
15 time, but I could ask him a few more questions
16 about whether or not he's seen many fights before
17 or the product of that.

18 THE COURT: You can ask him about causation,
19 as well.

20 MR. JACKSON: Okay. Fair enough.

21 (Whereupon, the sidebar conference concluded.)

22 BY MR. JACKSON:

23 Q Thank you.

24 A Yes, sir.

25 Q In your experience as obviously a training

1 firefighter, can you tell me again the word that you
2 used?

3 A Field training officer.

4 Q Thank you. As a field training officer, have
5 you seen in your experience the product or the injuries
6 that can be produced from fistfights?

7 A Yes.

8 Q Injuries to the face?

9 A Yes.

10 Q Injuries to the mouth?

11 A Yes.

12 Q Injuries to the nose?

13 A Yes, sir.

14 Q To the ears?

15 A Yes.

16 Q To the eyes?

17 A Yes.

18 Q Defensive wounds on the hands?

19 A Yes.

20 Q Did you note the -- we've already talked about
21 -- and I don't want to go over all this again. You've
22 already noted what the injuries to the face were that
23 you saw Mr. O'Keefe having suffered?

24 A Yes.

25 Q Were those consistent or inconsistent with a

1 physical altercation?

2 A I couldn't say.

3 Q Were they consistent or inconsistent with
4 being in a fight?

5 A I couldn't say.

6 Q Was that egg over his right eye consistent or
7 inconsistent with him having been punched or hit?

8 A I couldn't say.

9 Q I thought you said that one of the common
10 causes of an egg like that, a hematoma, as you put it,
11 over someone's eye is being hit or punched?

12 A There is quite a few reasons that somebody
13 could get an egg such as that over their head. I mean,
14 you can get hit with a golf ball, for instance.

15 Q Of course. I'm not asking you to the
16 exclusion of everything else.

17 A Yes.

18 Q I'm asking you is it consistent.

19 A It's consistent. It could be.

20 Q Okay. And the other injuries, as well?

21 A Yes.

22 Q Okay. Did you see bruising to the back of one
23 or both of his hands?

24 A His hands were, as stated, very cold and very
25 white. They were not well perfused. And, when you

1 don't have adequate perfusion, swelling and smaller
2 injuries don't typically present themselves, if you
3 will.

4 Q So you may not have seen them?

5 A Correct.

6 Q The bruising may have been there --

7 A It might have been there. It just wasn't
8 observable, just due to the condition of his hands.

9 Q You just may have overlooked it?

10 A Yes.

11 Q You indicated that you were not present when
12 your colleague, Katie McLaughlin, was questioning
13 anybody at the scene, correct?

14 A Correct.

15 Q She was asked with that responsibility, but
16 you did not engage with her?

17 A Correct.

18 Q When I say "engage with her," you weren't
19 standing there with her when she --

20 A No. I was in the back of the ambulance.

21 Q You claim to have heard the statement, "I hit
22 him. I hit him."

23 A Yes.

24 Q Several times from the woman with the blood on
25 her face?

1 A Correct.

2 Q You indicated that she was erratic?

3 A Correct.

4 Q Hysterical?

5 A Correct.

6 Q You said, for lack of a better term, running
7 around in circles?

8 A Yes.

9 Q She seemed despondent or distraught?

10 A Very distraught.

11 Q Very upset?

12 A Yes.

13 Q Was she saying anything else that you recall?

14 A To me, I heard, I hit him. I hit him. And
15 then I was obviously continuing on patient care,
16 focusing on patient care.

17 Q Did you hear her say, could I have hit him?

18 A I heard, I hit him. I hit him.

19 Q That's what you believe at this point?

20 A That's what I heard.

21 Q Okay. Where exactly where you?

22 A I was crouched at the head of Mr. O'Keefe.

23 Q Okay. You were asked that exact question at
24 the grand jury, correct, to describe where you were and
25 who was doing what?

1 A To my knowledge, yes.

2 Q Okay. You were asked (as read), "Question:
3 When you spoke to her and she said, I hit him, I hit
4 him, were you with the other representative, sir, there
5 at the time? Were there other people around you"?

6 Do you remember being asked that question by a
7 grand juror?

8 A I don't recall.

9 Q Do you remember answering (as read), "No.
10 There were other people around me. I had Paramedic
11 Flematti with me. I believe Firefighter Kelly was
12 there, as well.

13 A Correct. So the three of us were all
14 providing patient care around Mr. O'Keefe.

15 Q Okay. And you indicated that we were all
16 there together. You were kneeling and you were doing
17 the airway while -- you called him Tony?

18 A Yes. Anthony. Tony.

19 Q He was doing the CPR, correct?

20 A Correct.

21 Q And it's absolutely clear in your mind that
22 when that statement was made, you were knelt down over
23 Mr. O'Keefe. Flematti was doing CPR. Kelly was with
24 you guys and you posed the question to her, do you know
25 it, correct?

1 A Correct.

2 Q Okay. So I want to make sure I understand
3 this. You said as you're knelt down, do you know him,
4 directly to the female and she answered your question
5 with, I hit him, I hit him?

6 A Yes.

7 Q But that's not what you told Trooper Proctor
8 in a February 8th interview; is it?

9 A I don't recall what I told Trooper Proctor.

10 Q Let's start at the beginning. Do you recall
11 having a conversation with Trooper Proctor on February
12 8th?

13 A I do.

14 Q That was obviously much closer in time than
15 your grand jury testimony, correct?

16 A Correct.

17 Q And years closer in time than your testimony
18 now?

19 A Correct.

20 Q Do you recall on February 8th telling Trooper
21 Proctor that while you were rendering aid, you heard
22 Karen say, I hit him, to another female on the scene?

23 A To another female? As I stated, I heard
24 several times "I hit him." In terms of who that was
25 directed towards, I mean, again, focused on patient

1 care.

2 Q Understood. My question was a little bit
3 different. Do you recall telling Trooper Proctor
4 specifically that while you were rendering aid, you
5 heard Karen say, I hit him, to another female on the
6 scene. And the other female told Karen to be quiet?

7 A I do recall that.

8 Q Okay. That's not what you testified to today,
9 though.

10 A Okay.

11 Q As a matter of fact, that story has changed to
12 you posed a question and she answered your question,
13 correct?

14 A Correct.

15 Q So which is it?

16 A So when ventilating a patient, typically that
17 is also used to gather information from bystanders
18 because as I'm ventilating, I can real quick look
19 around. Do you know this individual? Do you know
20 anything about this individual? That's fairly typical
21 for any scenario. And this is just a very quick
22 information gathering strategy.

23 Q But you'll agree that your testimony today has
24 changed from what it was from your statement to Trooper
25 Proctor on February 8th?

1 A I don't know if I would so much say "change,"
2 sir. To be honest, I don't fully recall that meeting
3 with Mr. Proctor.

4 Q You don't -- I'm sorry?

5 A I remember meeting with him. However, I don't
6 fully remember what was discussed.

7 Q So it's fair to say your memory is a little
8 bit faulty as it pertains to that time frame?

9 A Absolutely.

10 Q When you went to the hospital with the
11 patient, did you ever inform any of the doctors or
12 nurses or medical professionals at the hospital that
13 you had heard a female claim to have hit John O'Keefe
14 and that's the reason for his injuries?

15 A I did not give the report to the hospital.

16 Q So the answer to that is, no, you did not?

17 A No.

18 Q As a first responder and a medical
19 professional, yourself, obviously, you know that the
20 cause and manner of a victim's injuries are incredibly
21 important as it pertains to assessing how to treat that
22 patient?

23 A Correct.

24 Q Once you got back to the station to take a
25 breath, did you write any report?

1 A I did not. No. I did not write a patient
2 care report.

3 Q So you didn't write a report, just to finish
4 my question, you didn't write a report that said, by
5 the way, while I was out at the scene, I heard a female
6 say, I hit him, and that's the cause and manner of the
7 injuries?

8 A Not to my knowledge.

9 Q Well, you would know if you wrote a report
10 that said that?

11 A Correct.

12 Q And you did not?

13 A I did not write the patient care report.

14 Q At any time that day or any day subsequent
15 thereto, did you contact the Canton Police Department,
16 which were the first responders, and say --

17 A I did not.

18 Q Let me finish my question -- and say, by the
19 way, just so you know, I heard this woman say, I hit
20 him, out at the scene?

21 A I did not.

22 Q Did you ever on that day or any day subsequent
23 thereto contact the Massachusetts State Police and say,
24 I heard the person say, I hit him?

25 A I did not.

1 Q So the first time you ever repeated that
2 statement was on February 8th with Trooper Proctor?

3 A Correct.

4 Q And by the time we've come full circle to
5 today, that statement has now pivoted?

6 A In terms.

7 Q You didn't hear it from -- you didn't overhear
8 the person say it to a female now? She's talking
9 directly to you now?

10 A She spoke directly to me, yes.

11 Q Just one last point. You've obviously noted
12 that this case has gotten an enormous amount of
13 notoriety, correct?

14 A Correct.

15 Q How many times would you say that you have
16 discussed this case and this incident with your fellow
17 firefighters?

18 A It's brought up around the station semi-
19 frequently. However, being involved in it, we try to
20 stay clear of it just because we are involved in it.

21 Q So the answer is there have been many
22 discussions?

23 A Yes.

24 Q Probably daily?

25 A Frequently.

1 Q Have any of those discussions helped you with
2 what you earlier described as a little bit of a faulty
3 memory around that time frame?

4 MR. LALLY: Objection.

5 THE COURT: He can have that. Have they?

6 THE WITNESS: Would you repeat the question
7 for me, sir?

8 BY MR. JACKSON:

9 Q Sure. Have any of those discussions helped
10 you with what you earlier described as a little bit of
11 a faulty memory?

12 A The memories that I have and the ones that I'm
13 bringing up, I don't believe that they have changed.
14 I've played them over in my head to the best of my
15 ability, and I don't believe my story has swayed. If
16 they've been enunciated incorrectly on my part, it
17 wasn't intentional.

18 Q Understood. And nobody is casting
19 dispersions.

20 A Yes.

21 Q Memory is a funny thing. So your memory is as
22 good about that as it is about that winter coat.

23 A Yes, sir.

24 MR. JACKSON: Thanks. That's all I have.

25 THE COURT: Mr. Lally?

1 MR. LALLY: Yes, Your Honor.

2 REDIRECT EXAMINATION

3 BY MR. LALLY:

4 Q Mr. Nuttall, when it comes to you being
5 asked about consistency of causality as far as
6 different injuries that you observed on Mr. O'Keefe,
7 correct?

8 A Can you rephrase that for me?

9 Q Sure. Poorly phrased on my part.

10 So you had been asked on cross-examination
11 about some things that the injuries you observed on
12 Mr. O'Keefe could be consistent with as far as having
13 been the cause of those injuries, correct?

14 A Correct.

15 Q How many sort of myriad of other causality or
16 how many myriad of other sort of things could have also
17 been a cause of the injuries that you observed?

18 A As stated, a lot. It's not typically just
19 physical altercations. It can be, again, a golf ball
20 could hit you in the head that could cause similar
21 injuries.

22 Q And, just for clarity purposes, when you were
23 asked about a particular time frame, were you talking
24 about the time frame of January 29th or were you
25 talking about the time frame of February 8th, when you

1 met with Trooper Proctor?

2 A Sorry, sir. Could you rephrase that for
3 me?

4 Q Sure. Let me withdraw that and move on to
5 something else.

6 Again, for clarity purposes, when -- you were
7 asked about some statements that were attributed to you
8 to Trooper Proctor during an interview, correct?

9 A Correct.

10 Q Okay. And so with regard to what you recall
11 differently, is it the statement that the person, the
12 female with the blood on her face, made to you or the
13 statement of the other female telling that person to be
14 quiet?

15 A As stated real quick, down and dirty, I asked,
16 do you know this person, to which I got, I hit him. I
17 hit him. And then in the background, I remember
18 hearing over and over, I hit him. I hit him. That was
19 sort of pushed towards the back and patient care took
20 priority, if that answers your question.

21 Q Do you recall specifically at this time the
22 other statements that you were asked about as far as
23 whether or not the other female told that female to be
24 quiet?

25 A I do remember that. Correct.

1 Q Okay. And the other statement as far as the
2 female with the blood on her face, and, again, that was
3 the differentiating character between the three females
4 that you observed there, correct?

5 A Correct.

6 Q Okay. And your memory of that statement is, I
7 hit him, I hit him, I hit him, correct?

8 A Correct.

9 MR. LALLY: Nothing further.

10 THE COURT: All right, Mr. Nuttall. You are
11 all set, sir.

12 THE WITNESS: Thank you.

13 THE COURT: Do you have another witness,
14 Mr. Lally, to start?

15 MR. LALLY: Yes, Your Honor.

16 Your Honor, the Commonwealth would call
17 Mr. Anthony Flematti to the stand.

18 Whereupon,

19 ANTHONY FLEMATTI

20 having been first duly sworn, was examined and
21 testified under oath as follows:

22 THE COURT: Whenever you're ready, Mr. Lally.

23 MR. LALLY: Thank you, Your Honor.

24 DIRECT EXAMINATION

25 BY MR. LALLY:

1 Q Good afternoon, sir.

2 A How are you?

3 Q Could you please state your name and spell
4 your last name for the jury?

5 A My name is Anthony Flematti. My last name is
6 spelled F-L-E-M-A-T-T-I.

7 Q And how are you employed, sir?

8 A I'm an acting lieutenant at this time for the
9 Canton Fire Department.

10 Q And how long in total have you worked for the
11 Canton Fire Department?

12 A I got hired in 2015. July of 2015. So coming
13 up on 10 years.

14 Q And, prior to working with the Canton Fire
15 Department, what, if any other, work did you have
16 within sort of the same field?

17 A So in the same field, I worked for the Athol
18 Fire Department for a few years, hired in 2012, March
19 of 2012, until July of 2015. So I just transferred.

20 Q And, even prior to working with the Athol Fire
21 Department, did you work as an EMT anywhere?

22 A Yes. So I worked as an EMT for American
23 Medical Response out of Springfield/Holyoke. I worked
24 for Fallon Ambulance. I started basic level of EMT
25 around 2008 and then just different private ambulance

1 companies around the state.

2 Q And starting with the EMT side of it first,
3 what, if any, training did you receive or education did
4 you receive prior to getting your certification as an
5 EMT?

6 A So there's different levels of certifications
7 for EMTs. The EMT basic starts out at about six
8 months, a couple nights a week, for, like I said, for
9 about six months to get your certification, practical
10 and written examination for that to get your basic
11 level. And then you move on to the paramedic level of
12 schooling, as well.

13 Q And could you describe for the jury a little
14 bit about sort of what that paramedic level of
15 schooling is?

16 A So the paramedic schooling starts -- it's
17 about 12 to 14 months. It depends on the program what
18 school you go to, night school, two to four times a
19 week for about 14 months. And then you start going
20 into a clinical phase where you go into the different
21 operating rooms, operating rooms, emergency rooms,
22 OB/GYN, cardiac CCU, ICU. You do about 300 hours of
23 education in that.

24 Once you've completed a bunch of skill
25 checkoffs under the supervision of an R.N. or doctor,

1 depending on the room, you would then clear that
2 section of your schooling and then move on to a ride-
3 time phase, which is about two to three hundred hours,
4 depending on skills, what you need. That would be in a
5 fire department or a private EMS under the
6 preceptorship of a senior paramedic that would kind of
7 walk you through how to do the job and shadow you and
8 supervise that you're doing things appropriately. You
9 do that for about two or three hundred hours. You
10 write up different documentation, basically learning
11 how to do it at a clinical and then more of an in-field
12 set.

13 After that, whatever job you have at that
14 point, you would do an additional practical assessment
15 again, about six or seven different stages of
16 evaluation for physical skills. Then you would do a
17 written test, again, with the state. At that time, it
18 was the state of Massachusetts to certify you as a
19 paramedic.

20 Then after that, they have another two to six-
21 month preceptorship within the department to acclimate
22 to the physical location that you're working in.

23 Q So there is a written portion and a practical
24 portion for both --

25 A Yes.

1 Q -- EMT as well as the paramedic training?

2 A Yes. That's correct.

3 Q Okay. And you successfully completed that and
4 received certifications in regard to both?

5 A Yes.

6 Q And those certifications, are they something
7 that is just sort of a one-time blessing, or is that
8 something that has a continuing educational component
9 and recertification?

10 A That's correct. So every two years, we have
11 to do a 48-hour refresher. So it's continuing
12 education classes as far as national core curriculum
13 classes that the national standard holds us to. So it
14 covers different topics that they mandate that we cover
15 every two years.

16 Q And your certification is up-to-date at this
17 point; is that correct?

18 A Yes, sir.

19 Q You mentioned that you are currently a
20 lieutenant within the Canton Fire Department; is that
21 correct?

22 A Yes.

23 Q And how long have you had the rank of
24 lieutenant?

25 A I am a temporary acting lieutenant. So I've

1 been that since I believe it was February up until this
2 time.

3 Q And, within the town of Canton, how many fire
4 stations or firehouses do you have within Canton?

5 A So we have two different stations,
6 headquarters and Station 2 that we operate out of.

7 Q Okay. Do you work specifically in one or does
8 it sort of rotate between the two?

9 A It depends on the rank. So as a firefighter,
10 we would rotate through the different positions. Our
11 different stations has the lieutenant and the
12 lieutenant right now at Station 1. So headquarters.

13 Q And where is Station 1 located?

14 A 99 Revere Street.

15 Q And, with respect to each of the two station
16 houses, how many sort of different vehicles and
17 apparatus are located in each?

18 A So we have -- it depends on what's obviously
19 in service for mechanical issues and stuff. But we
20 have a primary engine, a backup engine that we try to
21 have at each station. We have one tanker truck, two
22 ladder trucks. We have two primary ambulances and then
23 a backup ambulance, as well. So we try to have at
24 least one engine, one ambulance, one ladder at each
25 station. And then we have the backup pieces for that.

1 And I believe our tanker truck right now or our water
2 truck is out of Station 2.

3 Q And, Station 2, where is that located?

4 A 7 Sassamon Street.

5 Q Now, as far as the sort of shift, how many
6 people are assigned to -- when you're assigned to --
7 let me ask you this first: When you have a shift, what
8 hours does that shift sort of concern?

9 A So for shifting or shift work, it's 8:00 a.m.
10 to 8:00 a.m. the next day. It's a 24-hour shift. We
11 have a 24 period off from work, another 24 and then we
12 are off for five days.

13 Q And, when you're assigned to a certain shift
14 for that 24-hour period, are you assigned to sort of a
15 specific duty or truck or how does that work?

16 A We are usually assigned to a specific position
17 for either the 10 hour or the 14, depending on
18 rotations, overtime, that kind of stuff. But we are
19 usually assigned to an individual piece or individual
20 position for that shift, at least whether it's a day
21 shift or a day shift or the whole 24.

22 Q And so starting with just the ambulance, if
23 you're assigned to the ambulance, how many people and
24 what are the different roles in the ambulance?

25 A So the ambulance, we would have two people

1 assigned to the ambulance. We rotate either through
2 seniority or through care level, whether you're a
3 paramedic, EMT. If you're both paramedics, then it
4 would go by seniority and swap back and forth for call
5 volume and -- who is in charge of the call. And then
6 we would also cross-man with ladder, as well.

7 So depending on the call that comes in for
8 service, on a fire call, we can take a ladder. On a
9 medical call, we take the ambulance.

10 Q And, with respect to the engine, how is that
11 sort divvied up?

12 A So the engine, if we have a full staff of 13
13 members, we would have four people on the engine. If
14 there's a couple of people on vacation, that type of
15 thing, we could do -- it's the driver, step and then a
16 lieutenant in charge of the engine.

17 Q Now, if I could turn your attention to January
18 28th into -- the evening of January 28th, into the
19 morning of January 29th. Were you working on that
20 occasion?

21 A Yes.

22 Q Okay. And you were working 8:00 a.m. on the
23 28th until 8:00 a.m. on the 29th; is that correct?

24 A That's correct.

25 Q And which firehouse were you working out of on

1 that occasion?

2 A I believe it was Station 1 at the time.

3 Q And what was your assignment in relation to
4 that shift, whether it was ambulance, truck or engine,
5 whatever?

6 A That would have been Ambulance 1.

7 Q Okay. And who, if anyone else, was assigned
8 to Ambulance 1 along with you at the time?

9 A At that time, I was working with Matthew Lahey
10 -- not Lahey. I'm sorry. Matthew Kelly. We have a
11 lot of similar names.

12 Q And what, if any, disparity was there between
13 sort of the experience that you had versus the
14 experience that Mr. Kelly had at that time?

15 A Mr. Kelly had just started with the department
16 at the BLS level, the EMT-B, probably two or three
17 months prior, had just finished up his preceptorship,
18 getting him on board as a new hired EMT. So very
19 minimal experience at that time.

20 Q So fair to say any sort of medical calls, you
21 would have been sort of what they call the lead
22 paramedic; is that correct?

23 A That's correct.

24 Q Okay. Now, with reference to that particular
25 time frame, the 28th-29th, what, if anything, were you

1 aware of as far as sort of weather forecasts or that
2 kind of thing?

3 A So leading into that shift, I knew there was a
4 storm coming. And I had always lived a good distance
5 away from work. So I would try and tie overtime shifts
6 in so I wouldn't have to commute more than once back
7 and forth. But, with the storm coming, I wanted to not
8 have to drive into the weather. So I picked up
9 overtime the night before my shift.

10 Q And about what time did you arrive the night
11 before?

12 A The night before, I arrived at 6:00 p.m. 6:00
13 p.m. is the start of the shift.

14 Q And so you were essentially on shift for a
15 relatively significant period of time leading into the
16 morning of the 29th, correct?

17 A That's correct.

18 Q And you mentioned that there was a storm that
19 was forecast. What, if anything else, do you recall
20 about sort of what type of storm or what was predicted?

21 A Predicted, it was going to be a pretty
22 significant storm, heavy winds, heavy snow, not
23 something that I wanted to drive in in the morning. So
24 if the opportunity arose, I took the overtime for that
25 night.

1 Q And what did it turn out to be as far as --

2 A Exactly as predicted. We hadn't gotten much
3 snow up until midnight or so. And then snow developed
4 since pretty much then, on.

5 Q In a moment, I'm going to ask you about a call
6 around 6:00 a.m., but just if I could take you back a
7 little bit before that.

8 Over sort of the overnight shift, did you have
9 any dispatches or calls that you responded to, say,
10 after midnight but prior to 6:00 a.m.?

11 A I don't believe so. I don't recall how many
12 calls were prior to that. That one was kind of the key
13 of the night.

14 Q So you mentioned sort of -- what, if any,
15 memory do you have as far as like sort of when it
16 started to snow?

17 A It would have been after 10:00 p.m., for sure,
18 but I'm not sure exactly.

19 Q Now, turning your attention to a little bit
20 after 6:00 a.m., you get a dispatch for a medical call,
21 correct?

22 A Correct.

23 Q And just prior to that, about what time did
24 you sort of get up, rise and sort of, you know, start
25 doing things around the station that day?

1 A So the shift change usually happens around
2 8:00 a.m. in the morning. It takes a while to get
3 everything ready for normal business hours. We try and
4 get the station prepped for public that come into the
5 building or just people passing, going around. We try
6 to prepare the sidewalks, the apron. So we get up
7 around 5:00 or 5:30, depending on the call volume
8 throughout the night. Sometimes we are up throughout
9 the whole night. But we got up that morning around
10 5:00 to shovel, snow blow and salt the public walkways,
11 that type of thing.

12 Q And specifically when it comes to the apron,
13 that is sort of the area in front of the garage doors;
14 is that correct?

15 A That's correct.

16 Q And so why is it so important to sort of clear
17 off the apron as far as snow is concerned?

18 A So as far as in front of the apparatus doors,
19 there's a very limited height clearance between the top
20 of the fire apparatus and the actual garage bay doors.
21 So a few inches of snow would be enough to cause us to
22 bump into the ceiling of the apparatus garage doors.
23 So we have to keep that relatively almost clear to be
24 able to pull the apparatus out without causing any
25 damage.

1 Q And about what time was it that you and the
2 other firefighters at your station started to sort of
3 clear off whether it be the parking lot, the apron or
4 anything else as far as snow was concerned?

5 A I'd say about 5:15, 5:30.

6 Q And, at the time that you get this call
7 shortly after 6:00 a.m., about how much snow was on the
8 ground at that point, if you know?

9 A I'd say probably four to six inches.

10 Q And this dispatch that comes in shortly after
11 6:00 a.m., what was the dispatch in regard to and where
12 were you dispatched to?

13 A We didn't have much information going out the
14 door, just that there was a man on the side of the road
15 and, due to the weather, it could be a significant
16 call.

17 Q Before I leave and depart on that for just one
18 second, when it comes to when you're outside, sort of
19 shoveling off the apron and clearing some of the
20 parking lot, in addition to the snow, what, if anything
21 else, did you note as far as sort of the weather
22 conditions, visibility, things like that?

23 A Visibility was extremely poor, high winds.
24 Probably 20-30 mile an hour winds. The temperature was
25 probably in the 20s. It was still actively snowing at

1 the time.

2 Q And the winds, to the best of your
3 recollection, was this something that was just sort of
4 a gust or was it sort of persistent?

5 A Sustained winds and then probably gusts, as
6 well.

7 Q And so you received this dispatch and you, I'm
8 presuming, get in the ambulance and go, correct?

9 A Correct.

10 Q And who, if anyone, is in the ambulance with
11 you when you respond?

12 A So responding, I had myself. Matthew Kelly
13 and Firefighter Nuttall had come in early, as well, to
14 try to beat the storm and get in on time because he was
15 scheduled to come in at 8:00 a.m. that morning, anyway.
16 But, with the heavy snow, he wanted to make sure he
17 could get in and be able to relieve the people coming
18 off.

19 Q And, within the ambulance, where was everybody
20 sort of situated on route to the call?

21 A I believe Matthew Kelly was driving. I was in
22 the passenger seat, and Nuttall was in the back of the
23 truck.

24 Q And, as far as during the course of your going
25 from Station 1 to the scene on Fairview Road, what, if

1 anything, did you note as sort of the road conditions,
2 visibility as you were driving?

3 A So that neighborhood is actually relatively
4 close to the station. You'd normally get there in a
5 couple minutes. But it was slow driving over there.
6 So I remember going pretty slow to get over to the
7 scene.

8 Q And, as far as this particular time of day,
9 what was sort of the lighting like at that point? Had
10 the sun come up or anything like that?

11 A The sun had not come up yet. It was still
12 dark, heavy winds, heavy snow. The visibility was
13 almost zero.

14 Q And, as far as -- what, if any, other sort of
15 apparatuses from your station were dispatched to this
16 call, as well, at the same time?

17 A So the other call or the other vehicle would
18 have been Engine 3. Just Engine 3. Car 5 will
19 sometimes go. That's the shift commander for the
20 department, depending on the nature of the call, how it
21 comes in, and the ambulance. So it would have been the
22 three apparatus.

23 Q Okay. And do you recall who, if anyone, was
24 in either Car 5 or the engine?

25 A So Car 5 would have been, at the time, Captain

1 Wendell Robery. And the engine, it would have been
2 Frank Walsh, Katie McLaughlin. And the lieutenant for
3 the engine was Greg Woodbury.

4 Q You mentioned it took a little bit longer with
5 the weather to get to Fairview Road; is that correct?

6 A That's correct.

7 Q If you have any idea, approximately how much
8 time elapsed between the time that you received the
9 call and the time that you arrived on scene?

10 A I'd have to refer to the EMS report. That is
11 going to be more accurate. But I believe it's five or
12 six minutes.

13 Q And, to that point, with any call, there is an
14 EMS report that's prepared by -- who is it prepared by?

15 A That's usually the person who texts the calls
16 or is in charge of the call. This was an ALS-level
17 call. So it would have been myself.

18 Q So you wrote as far as the report in relation
19 to EMS arrival, and within that is contained sort of
20 different times that things happen along the way,
21 correct?

22 A Correct.

23 Q And the times that are noted within that
24 report, is that something that's noted as it's
25 happening, or is that something that you go back and

1 figure out at a later time?

2 A So as we are going through the call and the
3 radio messages are sent, that's all documented on a
4 third party that documents timestamps and things like
5 that as far as on scene, transport, clear from the
6 hospital. That type of thing. It's all third-party
7 documented.

8 MR. LALLY: May I approach the witness, Your
9 Honor?

10 THE COURT: Yes.

11 BY MR. LALLY:

12 Q Sir, I'm showing you what's been marked as
13 Exhibit 160. I'm specifically turning to the seventh
14 page and directing your attention to the far right
15 column. Do you see that portion of the report, sir?

16 A Yes.

17 Q And, first and foremost, what I've placed
18 before you as Exhibit 160, that's your report, correct?

19 A Correct.

20 Q Okay. And on that right column of the seventh
21 page in, what, if anything, do you see with regard to
22 times?

23 A So we have our dispatch time, 6:06; en route
24 time, 6:07; on scene, 6:14; at patient, 6:15; and we
25 transported from the scene at 6:27 and arrived at

1 destination at the hospital, 6:45.

2 Q And that destination hospital would have been
3 Good Samaritan Medical Center; is that correct?

4 A Correct.

5 Q Now, if you could, going back to sort of your
6 dispatch from station house to Fairview Road, can you
7 describe sort of the path as far as what direction,
8 what route you took to get from one to the other?

9 A Yes. So from Revere Street, we would have
10 come out and taken a right onto Revere Street, gone to
11 that road, taken a left on Sherman, driven all the way
12 up to Chapman Street, taken a right on Chapman Street,
13 gone up to Fairview Street and then taken a left on
14 that. That would have brought us down to the address.

15 Q And, as you're coming down Fairview, are you
16 familiar with that area?

17 A Yes.

18 Q Okay. And so as you're coming down Fairview,
19 is there any kind of grade or elevation to the roadway
20 as you're coming down?

21 A So as you're -- that is downhill towards --
22 about halfway down the road. So a pretty grade, and
23 it's coming downwards.

24 Q And the address that you responded to at 34
25 Fairview Road, when you're coming from the direction

1 that you were coming off of Chapman, is that a
2 residence that's on your left, your right or something
3 else?

4 A That would have been on the left.

5 Q And, when you arrive on scene, what, if any
6 other, sort of vehicles or apparatuses do you observe
7 beyond sort of what you've already described?

8 A We had the fire apparatus. There was another
9 vehicle, bystander vehicle that was on scene, as well.
10 I don't recall if the police were on scene at that
11 time.

12 Q And, when you first sort of pull up to the
13 scene, what, if anything, is it that you observe, even
14 prior to getting out of the truck or the ambulance?

15 A So as we are pulling up to the scene, we see
16 two female parties, non-uniform personnel. They were
17 going back and forth between the body and the side of
18 the street, back and forth. It appeared to be a female
19 party that was pushing on his chest and then going back
20 and forth between the other female party and the
21 patient.

22 Q Again, so when you first sort of pull up,
23 you're able to see the body on the ground; is that
24 correct?

25 A It was -- yes. You could see a body, but it

1 was very hard to see that distance away.

2 Q And do you recall any sort of like overhead or
3 ambient lighting, street lighting or anything like that
4 illuminating in that area?

5 A I don't recall.

6 Q Now, this individual as far as the person on
7 the ground, at some point, you were able to
8 subsequently identify who that was; is that correct?

9 A Yes.

10 Q Okay. And who did you identify him to be?

11 A So identification won't normally happen right
12 at that bedside. That's not really relevant to initial
13 treatment. We found out who it was when we got into
14 the ambulance and were able to do a more thorough
15 search once interventions had started.

16 Q Okay. So when you first arrive on scene, fair
17 to say you're primarily or only sort of concerned with
18 patient care, correct?

19 A Yes. Correct.

20 Q To the point you sort of have tunnel vision to
21 the patient, correct?

22 A Yes.

23 Q So you arrive on scene, and you, I'm assuming,
24 get out of the ambulance. And where is it that you go?

25 A So we then go grab all the equipment that we

1 are going to need to work on the patient. And then we
2 bring that equipment over to the patient's side to be
3 able to start treatment.

4 THE COURT: Mr. Flematti, I am going to stop
5 you there. I'm going to stop you, Mr. Lally.

6 Jurors, that's it for today. We are not in
7 session tomorrow. I remind you, please do not
8 discuss this case with anyone. Don't do any
9 independent research or investigation into this
10 case.

11 If you happen to see, hear or read anything
12 about the case, please disregard it and let us
13 know. We will see you on Thursday morning, and
14 Thursday will be a half day, as well. Thank you
15 very much.

16 (Whereupon, the Court adjourns at 1:00 p.m.)

17 (Court reporter and counsel in without the Court at
18 1:00 p.m. to premark exhibits on the record.)

19 THE COURT REPORTER: Back on the record.
20 Court Reporter Nancy King with Attorney Elizabeth
21 Little and A.D.A. Laura McLaughlin, premarking
22 exhibits in Commonwealth versus Karen Read.

23 MS. MC LAUGHLIN: The Commonwealth would move
24 to introduce the following photographs as exhibits,
25 and the defense has no objection to these

1 photographs.

2 THE COURT REPORTER: Exhibit 161, Exhibit 162,
3 Exhibit 163, Exhibit 164 -- let me know if you want
4 it anywhere else. I mean the stickers. Exhibit
5 165, 166, 167, 168, Exhibit 169, Exhibit 170,
6 Exhibit 171, 172, 173, 174, 175, 176, 177, 178,
7 179, 180, 181, 182, 183, 184, 185, 186, 187, 188,
8 189, 190, 191, 192, 193, 194.

9 MS. MC LAUGHLIN: The next would be the
10 Commonwealth would move to introduce the Cellebrite
11 extraction of John O'Keefe's.

12 THE COURT REPORTER: So 195 will be the
13 Cellebrite extraction.

14 MS. MC LAUGHLIN: Extraction report.

15 The next is a total of 395 pages. It's one
16 exhibit encompassing 395 pages.

17 THE COURT REPORTER: Now, Tory was asking me
18 if I had a list of these and I told her only within
19 my notes. Is anybody else keeping a list?

20 MS. MC LAUGHLIN: I have a list. Yes.

21 THE COURT REPORTER: No. 195.

22 MS. MC LAUGHLIN: We are moving to introduce a
23 series of other photographs.

24 MS. LITTLE: No objection.

25 THE COURT REPORTER: The following

1 photographs: Exhibit 196, 197, 198, 199, 200, 201,
2 202, 203, 204, 205, 206, 207, 208, 209, 210, 211,
3 212, 213, 214, 215, 216, 217, 218, 219, 220, 221,
4 222, 223, 224, 225, 226, 227, 228, 229, 230, 231,
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14 322, 323, 324, 325, 326, 327, 328, 329, 330, 331,
15 332, 333, 334, 345, 346, 347, 348, 349, 350, 351,
16 352, 353, 354, 355, 356, 357, 358, 359, 360, 361,
17 362, 363, 364, 365, 366, 367, 368, 369, 370.

18 So 196 through 370, photos. No. 371 is what?

19 MS. MC LAUGHLIN: It's a three-page document,
20 rendering of motor vehicle.

21 THE COURT REPORTER: So the exhibits marked
22 today, Exhibit 26 through 371, counsel for defense,
23 Attorney Little?

24 MS. LITTLE: No objection.

25 THE COURT REPORTER: No objection. Counsel

1 for the D.A.?

2 MS. MC LAUGHLIN: No objection. They are all
3 entered by agreement. There are just two
4 photographs that we have to mark for I.D.

5 THE COURT REPORTER: For identification
6 purposes, the photos Mr. Jackson was referring to.

7 MS. MC LAUGHLIN: The victim's clothing he was
8 wearing.

9 THE COURT REPORTER: All exhibits marked by
10 agreement.

11 MS. MC LAUGHLIN: Yes. Perfect.

12 (Whereupon, the following above-mentioned exhibits
13 were premarked by the court reporter, agreed to,
14 and in the presence of A.D.A. McLaughlin and
15 Attorney Little as follows:)

16 (Whereupon, photographs were entered and marked
17 Exhibits No. 161 through and including 194 in
18 Evidence.)

19 (Whereupon, Cellebrite extraction report in binder
20 was entered and marked Exhibit No. 195 in
21 Evidence.)

22 (Whereupon, photographs were entered and marked
23 Exhibits No. 196 through and including 370 in
24 Evidence.)

25 (Whereupon, three-page document: rendering of motor

1 vehicle, was entered and marked Exhibit No. 371 in
2 Evidence.

3 (Whereupon, photograph of victim's jacket was
4 entered and marked Exhibit "E" for Identification.)

5 (Whereupon, photograph of victim's jacket was
6 entered and marked Exhibit "F" for Identification.)

7 (Whereupon, the Court adjourned.)
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C E R T I F I C A T E

I, Paula M. Mills, retired certified court reporter, do hereby certify that the foregoing pages, page 8-3 to 8-184, is a true and accurate transcription of the voice recording in the aforementioned matter to the best of my skill and ability.

This, the 7th day of February, 2025.

s/s Paula M. Mills

Paula M. Mills

Retired Certified Court Reporter
and Court Transcriptionist

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